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# Transcript of Marjorie Acevedo

**Date:** October 14, 2021

**Case:** Acevedo -v- Teupen North America, Inc.

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Transcript of Marjorie Acevedo  
Conducted on October 14, 2021

1 (1 to 4)

<p>1 UNITED STATES DISTRICT COURT 2 WESTERN DISTRICT OF NORTH CAROLINA 3 CHARLOTTE DIVISION 4 ----- 5 MARJORIE ACEVEDO, 6 Plaintiff, 7 vs. Civil Action No. 8 3:20-CV-00518-FDW-DSC 9 TEUPEN NORTH AMERICA, INC., 10 Defendant. 11 ----- 12 The remote videotaped deposition of 13 MARJORIE ACEVEDO, taken pursuant to Notice 14 of Taking Deposition, taken before 15 Alexis Jensen, RPR, CRR, and a Notary Public 16 in and for the County of Dakota, State of 17 Minnesota, taken on October 14, 2021, 18 commencing at approximately 8:08 a.m. 19 Central Time. 20 21 AFFILIATED COURT REPORTERS 22 6880 River Road 23 Inver Grove Heights, MN 55076 24 (612) 338-4348 25</p>	<p>1 INDEX 2 3 WITNESS: MARJORIE ACEVEDO 4 Examination by Mr. Klass, page 6 5 6 EXHIBITS 7 (NONE MARKED.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p>1 APPEARANCES: 2 3 ON BEHALF OF THE PLAINTIFF: 4 GESSNERLAW, PLLC 5 GG Galloway House 6 602 East Morehead Street 7 Charlotte, North Carolina 28202 8 844.437.7637 9 michelle@gessnerlaw.com 10 11 BY: L. MICHELLE GESSNER, ESQ. 12 NICOLE HAYNES, ESQ. 13 14 15 ON BEHALF OF THE DEFENDANT: 16 FISHER &amp; PHILLIPS LLP 17 227 West Trade Street 18 Suite 2020 19 Charlotte, North Carolina 28202 20 704.334.4565 21 dklass@fisherphillips.com 22 23 BY: DAVID I. KLAS, ESQ. 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 Also Present: Martin Borutta Blake Winchester, AV Tech Glen Fortner, Videographer</p>	<p>1 PROCEEDINGS 2 AV TECHNICIAN: Thank you to 3 everyone for attending this proceeding 4 remotely, which we anticipate will run 5 smoothly. Please remember to speak slowly, 6 and do your best not to talk over one 7 another. And please be aware that we are 8 recording this proceeding for backup 9 purposes. 10 Any off-the-record discussions 11 should be had away from the computer, and 12 please remember to mute your mic for those 13 conversations. 14 Please have your video enabled to 15 help the reporter identify who is speaking. 16 If you're unable to connect with video and 17 connect with phone, please identify yourself 18 each time when speaking. I apologize in 19 advance for any technical-related 20 interruptions. Thank you so much. 21 THE VIDEOGRAPHER: Here begins Tape 22 Number 1 in today's videotaped deposition of 23 Marjorie Acevedo in the matter of Acevedo v. 24 Teupen North America, Inc., in the United 25 States District Court, Western District of</p>

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2 (5 to 8)

<p>5</p> <p>1 North Carolina, Case Number 2 3:20-CV-00518-FDW-DSC. 3 Today's date is October 14th, 2021. 4 The time on the video monitor is 5 8:08 Central. The videographer today is 6 Glen Fortner, representing Planet Depos. 7 All participants are attending remotely in 8 location. 9 Would Counsel please voice-identify 10 themselves and state whom they represent. 11 MS. GESSNER: Yes, this is 12 Michelle Gessner. I represent the 13 Plaintiff, Ms. Acevedo, and -- go ahead. 14 MS. HAYNES: Hi, this is 15 Nicole Haynes. I'm also with GessnerLaw, 16 representing Ms. Acevedo. 17 MR. KLAS: This is David Klass. I 18 represent the Defendant, Teupen North 19 America, Inc. I also have in the room with 20 me, Martin Borutta, who is the corporate 21 representative for this deposition. 22 MS. GESSNER: And before we get 23 started, I have an objection on the record I 24 would like to make. This is being 25 videotaped. Counsel properly noticed it.</p>	<p>7</p> <p>1 Q. I will not be. 2 So, because this is a Zoom 3 deposition, and we're doing this remotely, 4 and we're not in the same room together, I 5 did want to ask you, at the beginning of 6 this deposition, if you have any documents 7 or other papers in front of you? 8 <b>A. Nope, just tissues, hand sanitizer.</b> 9 Q. Is anyone else in the room with you? 10 <b>A. No, sir.</b> 11 Q. And although this is a somewhat formal [sic] 12 setting, since we're in an office or 13 offices, and there's no judge or jury 14 present, the deposition testimony that 15 you're about to give will be subject to the 16 same oath and the same penalties of perjury 17 that would apply if you were in court giving 18 testimony in front of a jury -- judge and 19 jury. 20 Do you understand that? 21 <b>A. I understand.</b> 22 Q. Okay. Will you agree to let me know if you 23 do not understand a question? 24 <b>A. Yes, I will clarify.</b> 25 Q. And do you agree to let me know if you</p>
<p>6</p> <p>1 However, the videographer is an 2 unnecessary additional expense, particularly 3 because the deposition is being taken by 4 Zoom. We have asked that the Zoom be 5 recorded. And, again, for purposes of any 6 costs in this case going forward, Plaintiff 7 did not request in any way that this 8 videotape -- that this deposition be 9 videotaped by a videographer. 10 THE VIDEOGRAPHER: The court 11 reporter today is Alexis Jensen, 12 representing Planet Depos. Would the 13 reporter please swear in the witness. 14 MARJORIE ACEVEDO, 15 having been called as a witness, being duly 16 sworn, testified as follows: 17 EXAMINATION 18 BY MR. KLAS: 19 Q. Good morning, Ms. Acevedo. My name is 20 David Klass. As you heard a moment ago, I 21 represent the Defendant, Teupen North 22 America, Inc., in this case. 23 How are you this morning? 24 <b>A. I'm good, but I can't see you.</b> 25 <b>Are you going to be not visible.</b></p>	<p>8</p> <p>1 cannot hear me at any time during this 2 deposition? 3 <b>A. Yes, I will.</b> 4 Q. If you need me to repeat or clarify a 5 question, will you let me know? 6 <b>A. Yes.</b> 7 Q. And although this deposition is being 8 video-recorded, it's also being recorded 9 through stenographic means. And that means 10 that the court reporter can only take down 11 one person's remark at a time. 12 And therefore, it would be 13 necessary for you to allow me to finish my 14 questions before you begin your answers. 15 And I will similarly accord you the 16 privilege of letting you finish your answer 17 before I ask the next question. 18 Do you understand that? 19 <b>A. Yes.</b> 20 Q. If at any point during the deposition, 21 something else occurs to you that is 22 relevant to one of the questions I've asked 23 earlier, please feel free to let me know, so 24 that I will have your most complete response 25 on the record.</p>

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3 (9 to 12)

<p>9</p> <p>1 Do you agree to do that?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. During the deposition, your attorney may</p> <p>4 make objections to certain questions for the</p> <p>5 record. Once the objection has been made,</p> <p>6 you will answer the question unless your</p> <p>7 attorney specifically instructs you not to</p> <p>8 do so.</p> <p>9 Do you understand that?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. If at any point you need to take a break,</p> <p>12 will you agree to please let me know?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. Okay. The only caveat to that would be if I</p> <p>15 have asked you a question, I would ask that</p> <p>16 you provide your answer before we take the</p> <p>17 break.</p> <p>18 Is that okay?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Are you currently under the influence of any</p> <p>21 medications, drugs, or alcohol that would</p> <p>22 influence your ability to either understand</p> <p>23 my questions today or prohibit you from</p> <p>24 providing truthful answers?</p> <p>25 <b>A. No.</b></p>	<p>11</p> <p>1 <b>A. P, as in Peter, a-c-h-e-c-o.</b></p> <p>2 Q. Have you ever had your deposition taken</p> <p>3 before?</p> <p>4 <b>A. Have I ever -- high I ever had taken a</b></p> <p>5 <b>deposition before, in general, or with this</b></p> <p>6 <b>one in particular?</b></p> <p>7 Q. Have you ever had your deposition taken</p> <p>8 before?</p> <p>9 Have you ever sat, like you are</p> <p>10 now, being asked questions under oath in a</p> <p>11 case?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Ms. Acevedo, are you married?</p> <p>14 <b>A. Yes, I am.</b></p> <p>15 Q. What is the name of your spouse?</p> <p>16 <b>A. Luis Acevedo.</b></p> <p>17 Q. How do you spell his first name?</p> <p>18 <b>A. L-u-i-s.</b></p> <p>19 Q. When were you married?</p> <p>20 <b>A. When was I married?</b></p> <p>21 Q. Yes.</p> <p>22 <b>A. 2012.</b></p> <p>23 Q. It's not a trick question.</p> <p>24 <b>A. No, I was going to say, where, when? Okay.</b></p> <p>25 <b>2012.</b></p>
<p>10</p> <p>1 Q. So, now I'm going to ask you some background</p> <p>2 information that I ask all Plaintiffs, so</p> <p>3 this is not directed at you personally.</p> <p>4 What is your date of birth?</p> <p>5 <b>A. December 3rd, 1973.</b></p> <p>6 Q. Where were you born?</p> <p>7 <b>A. In New York.</b></p> <p>8 Q. New York City or New York State?</p> <p>9 <b>A. New York State.</b></p> <p>10 Q. Where were your parents born?</p> <p>11 <b>A. Where were my parents born?</b></p> <p>12 Q. Yes.</p> <p>13 <b>A. In Ecuador.</b></p> <p>14 Q. And what is -- what would you say is your</p> <p>15 national origin?</p> <p>16 <b>A. Hispanic.</b></p> <p>17 Q. Other than Marjorie Acevedo, have you gone</p> <p>18 by any other names?</p> <p>19 <b>A. Other than my last name, Acevedo, now</b></p> <p>20 <b>currently?</b></p> <p>21 Q. Do you have a maiden name?</p> <p>22 <b>A. Yes, I have a maiden name.</b></p> <p>23 Q. What is your maiden name?</p> <p>24 <b>A. Pacheco.</b></p> <p>25 Q. And how do you spell that?</p>	<p>12</p> <p>1 Q. Prior to your current marriage, had you been</p> <p>2 married before?</p> <p>3 <b>A. No.</b></p> <p>4 Q. Do you have any adult children?</p> <p>5 And by that, I mean children who</p> <p>6 are 18 or over.</p> <p>7 <b>A. Yes.</b></p> <p>8 Q. What are -- do you -- how many do you have</p> <p>9 who are 18 or over?</p> <p>10 <b>A. Two.</b></p> <p>11 Q. What are their names?</p> <p>12 <b>A. Adriana and Jeremy.</b></p> <p>13 Q. And where do they live?</p> <p>14 <b>A. Adriana lives in North Carolina, and Jeremy</b></p> <p>15 <b>lives in South Carolina.</b></p> <p>16 Q. Where in North Carolina does Adriana live?</p> <p>17 I'm just looking for a city or</p> <p>18 town.</p> <p>19 <b>A. Okay. For a city, yes, it's Charlotte.</b></p> <p>20 Q. Do you have any relatives who live in the</p> <p>21 western part of North Carolina?</p> <p>22 <b>A. I'm not sure, you know, what geographical</b></p> <p>23 <b>western area is.</b></p> <p>24 <b>Can you elaborate on that?</b></p> <p>25 Q. Charlotte and north -- directly north, and</p>

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4 (13 to 16)

<p>13</p> <p>1 all parts west.</p> <p>2 <b>A. No, I only have family in Charlotte.</b></p> <p>3 Q. Okay. How many family members do you have</p> <p>4 in Charlotte?</p> <p>5 <b>A. Three.</b></p> <p>6 Q. And are those -- is that number in addition</p> <p>7 to your husband and your daughter?</p> <p>8 <b>A. No.</b></p> <p>9 Q. So who --</p> <p>10 <b>A. As far as like -- okay.</b></p> <p>11 Q. I'm sorry, go ahead.</p> <p>12 <b>A. Can you repeat the question.</b></p> <p>13 <b>As far -- are you asking as far as</b></p> <p>14 <b>immediate family or just like outside of my</b></p> <p>15 <b>household?</b></p> <p>16 Q. I guess I can clarify.</p> <p>17 So, in addition -- other than your</p> <p>18 daughter, Adriana, and your husband, Luis,</p> <p>19 do you have any other immediate family in</p> <p>20 western part of North Carolina or Charlotte,</p> <p>21 as I defined it earlier?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Do you have any other members of your</p> <p>24 nonimmediate or extended family in the</p> <p>25 western part of North Carolina?</p>	<p>15</p> <p>1 Q. Where was that high school located?</p> <p>2 <b>A. New York.</b></p> <p>3 Q. Did you attend college?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. What college?</p> <p>6 <b>A. Iona.</b></p> <p>7 Q. And is that in New York State?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Did you graduate?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. What year did you graduate?</p> <p>12 <b>A. 2018.</b></p> <p>13 Q. What was your degree?</p> <p>14 <b>A. Bachelor's.</b></p> <p>15 Q. And what was your major?</p> <p>16 <b>A. Business and accounting.</b></p> <p>17 Q. When did you start attending Iona College?</p> <p>18 <b>A. Right after I graduated from high school.</b></p> <p>19 Q. Did you -- at any point, did you attend</p> <p>20 Iona College remotely?</p> <p>21 <b>A. No.</b></p> <p>22 Q. You said you graduated in 2018.</p> <p>23 Did I get that right?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. So you attended in-person classes there?</p>
<p>14</p> <p>1 <b>A. I have siblings that live in Charlotte.</b></p> <p>2 Q. What are their name?</p> <p>3 <b>A. Edgar and Peggy.</b></p> <p>4 Q. What are their last names?</p> <p>5 <b>A. Edgar Ordaz (phonetic) and Peggy Bacon.</b></p> <p>6 Q. Other than Edgar or Peggy, do you have any</p> <p>7 other relatives who live in the western part</p> <p>8 of North Carolina?</p> <p>9 <b>A. I have a cousin.</b></p> <p>10 Q. And what is his or her name?</p> <p>11 <b>A. Wayne Tamala (phonetic).</b></p> <p>12 Q. Anyone else who lives in the western part of</p> <p>13 North Carolina who you consider to be a</p> <p>14 relative?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Does your husband have relatives in the</p> <p>17 western part of North Carolina?</p> <p>18 <b>A. No.</b></p> <p>19 Q. Ms. Acevedo, did you graduate from high</p> <p>20 school?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. What high school and what year did you</p> <p>23 graduate?</p> <p>24 <b>A. Charles E. Gorton High School, and if I can</b></p> <p>25 <b>recall, it was 1991.</b></p>	<p>16</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. Did you attend those classes while you</p> <p>3 worked for Teupen?</p> <p>4 <b>A. No.</b></p> <p>5 Q. What --</p> <p>6 <b>A. Sorry, did I make a mistake in the year?</b></p> <p>7 <b>Could you repeat the year that I</b></p> <p>8 <b>provided.</b></p> <p>9 Q. You -- you testified you graduated from</p> <p>10 Iona College in 2018, 2-0-1-8.</p> <p>11 <b>A. Oh, I'm sorry. That's incorrect. I forgot</b></p> <p>12 <b>what we -- what year we were in.</b></p> <p>13 <b>It's -- I don't recall. I think it</b></p> <p>14 <b>was 9- -- I know it had an 89 -- oh, gosh.</b></p> <p>15 <b>Honestly, I can't recall right now.</b></p> <p>16 Q. Did you graduate before you began working at</p> <p>17 Teupen?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Did you -- have you attended any other</p> <p>20 postgraduate education?</p> <p>21 <b>A. Are you asking like a graduate school?</b></p> <p>22 Q. I'll rephrase.</p> <p>23 Have you attended any graduate</p> <p>24 schools?</p> <p>25 <b>A. No.</b></p>

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5 (17 to 20)

<p>17</p> <p>1 Q. Have you attended any other undergraduate 2 colleges? 3 <b>A. Yes.</b> 4 Q. Okay. One or more? 5 <b>A. Two.</b> 6 Q. What's the name of the -- of the two 7 colleges that you attended? 8 <b>A. Westchester Community College.</b> 9 Q. Did you attend that before Iona College? 10 <b>A. Yes.</b> 11 Q. And then did you transfer to Iona College? 12 <b>A. Yes.</b> 13 Q. And other than Westchester Community College 14 and Iona College, did you attend any other 15 college-level universities or college? 16 <b>A. Yes.</b> 17 Q. What other colleges did you attend? 18 <b>A. CPCC.</b> 19 Q. What does that stand for? 20 <b>A. Central Piedmont Community College.</b> 21 Q. When did you attend that? 22 <b>A. I think the last time I took a class</b> 23 <b>was -- I think it was 2019.</b> 24 Q. Where is Central Piedmont Community College 25 located?</p>	<p>19</p> <p>1 MR. KLASS: I'll repeat the 2 question. I'm sitting in front of my 3 computer. 4 BY MR. KLASS: 5 Q. Did you take your -- 6 MS. GESSNER: Well, wait a minute. 7 BY MR. KLASS: 8 Q. -- courses at night? 9 MS. GESSNER: Wait a minute, David. 10 Even if you are, we can't see you. She 11 cannot see you to be able to even read your 12 lips to understand exactly what you're 13 saying. 14 So, if you're standing in front of 15 your computer, we cannot hear you. You are 16 muffled. So please correct that, so that 17 she can be sure to hear your question. 18 BY MR. KLASS: 19 Q. Ms. Acevedo, if you have any -- if I ask you 20 any questions that you cannot hear, will you 21 agree to let me know that you cannot hear 22 them? 23 MS. GESSNER: Wait a minute. 24 Objection, Counsel. She has done that. I 25 too am entitled to be able to hear your</p>
<p>18</p> <p>1 <b>A. In Charlotte.</b> 2 Q. Did you take those courses online or in 3 person? 4 <b>A. In person.</b> 5 Q. When did you begin to take courses at 6 Central Piedmont Community College? 7 <b>A. I mean, I just took one-off courses, so I</b> 8 <b>believe since I moved here -- since I moved</b> 9 <b>to North Carolina.</b> 10 Q. Did you take courses while you were employed 11 at Teupen? 12 <b>A. I can't hear you.</b> 13 Q. I'm sorry. 14 Did you take courses there when you 15 were employed at Teupen? 16 <b>A. Yes.</b> 17 Q. Were these evening courses? 18 <b>A. I can't hear you.</b> 19 MS. GESSNER: Counsel -- Counsel, 20 you keep fading in and out. So I -- we 21 can't see you, so we don't know if you have 22 a microphone on or what you're doing. But 23 you -- we cannot hear you when you are not 24 speaking into the microphone. So please 25 speak up so that she can hear you.</p>	<p>20</p> <p>1 question as much as she can, and I'm 2 informing you, as she has done, we cannot 3 hear your question. So please make sure 4 that you are heard and are not muffled when 5 you speak. 6 MR. KLASS: I will do my best. 7 Thank you. 8 BY MR. KLASS: 9 Q. Ms. Acevedo, did you attend courses at 10 Central Piedmont Community College in the 11 evenings? 12 <b>A. Yes.</b> 13 Q. How many courses would you take at any one 14 time? 15 <b>A. One.</b> 16 Q. What were the courses -- what -- I'll strike 17 that. 18 What topics were the courses on? 19 <b>A. Accounting.</b> 20 Q. Just accounting, or any other topics? 21 <b>A. Accounting.</b> 22 Q. How many hours per week would you attend 23 courses at Central Community -- or Central 24 Piedmont Community College while you worked 25 at Teupen?</p>

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6 (21 to 24)

<p>21</p> <p>1 <b>A. I don't recall.</b></p> <p>2 Q. How many hours per week would you spend</p> <p>3 devoted to working on coursework at Central</p> <p>4 Piedmont Community College while you were</p> <p>5 working at Teupen?</p> <p>6 <b>A. I don't recall.</b></p> <p>7 Q. Can you provide an estimate?</p> <p>8 <b>A. Four hours.</b></p> <p>9 Q. Other than Westchester Community College,</p> <p>10 Iona College, and Central Piedmont Community</p> <p>11 College, have you taken courses at any other</p> <p>12 college or university?</p> <p>13 <b>A. I don't recall.</b></p> <p>14 Q. Have you taken any other training or courses</p> <p>15 related to accounting work or your current</p> <p>16 profession?</p> <p>17 <b>A. Can you repeat the question.</b></p> <p>18 Q. Other than the colleges that you just</p> <p>19 mentioned, have you taken any other</p> <p>20 coursework or training regarding accounting</p> <p>21 or your current profession?</p> <p>22 <b>A. No.</b></p> <p>23 Q. Have you ever been a witness or party to any</p> <p>24 other lawsuit other than this one?</p> <p>25 <b>A. I don't know what "parking" [sic] means.</b></p>	<p>23</p> <p>1 or charges with any governmental entities</p> <p>2 besides the EEOC?</p> <p>3 <b>A. Can you repeat the question.</b></p> <p>4 Q. Other than against Teupen, have you</p> <p>5 initiated any claims or charges with any</p> <p>6 governmental entities besides the EEOC?</p> <p>7 <b>A. No.</b></p> <p>8 Q. Other than against Teupen, have you ever</p> <p>9 filed a claim with a federal or state agency</p> <p>10 alleging discrimination or retaliation or</p> <p>11 harassment?</p> <p>12 <b>A. Can you repeat the question.</b></p> <p>13 Q. Other than against Teupen, have you ever</p> <p>14 filed a claim with a federal or state agency</p> <p>15 alleging discrimination or retaliation or</p> <p>16 harassment?</p> <p>17 <b>A. No.</b></p> <p>18 Q. What is your current address?</p> <p>19 <b>A. 6877 Spring Peeper Lane, Lancaster,</b></p> <p>20 <b>South Carolina, 29720.</b></p> <p>21 Q. How long have you lived at that address?</p> <p>22 <b>A. How long have I lived here currently?</b></p> <p>23 <b>Four months.</b></p> <p>24 Q. What was your address prior to your current</p> <p>25 address?</p>
<p>22</p> <p>1 Q. I'm sorry, "party."</p> <p>2 <b>A. "Party"?</b></p> <p>3 Q. Correct.</p> <p>4 <b>A. Can you repeat the question, please.</b></p> <p>5 Q. Have you ever been a witness or party to any</p> <p>6 other lawsuit?</p> <p>7 <b>A. No.</b></p> <p>8 Q. Have you ever been arrested, cited, or</p> <p>9 charged with a crime other than a speeding</p> <p>10 ticket in the State of North Carolina?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Have you ever been arrested, cited, or</p> <p>13 charged with a crime other than a speeding</p> <p>14 ticket outside the State of North Carolina?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Other than against Teupen, have you ever</p> <p>17 filed an EEOC charge against any other</p> <p>18 employer?</p> <p>19 <b>A. Have I ever filed another EEOC besides</b></p> <p>20 <b>Teupen?</b></p> <p>21 Q. EEOC charge against a -- an employer other</p> <p>22 than Teupen.</p> <p>23 <b>A. No.</b></p> <p>24 Q. Other than your claims against Teupen in</p> <p>25 this lawsuit, have you initiated any claims</p>	<p>24</p> <p>1 <b>A. 14015 Dunbritton Lane, Charlotte,</b></p> <p>2 <b>North Carolina, 28277.</b></p> <p>3 Q. And what time period did you live at that</p> <p>4 address?</p> <p>5 <b>A. What time period as in how long I lived</b></p> <p>6 <b>there?</b></p> <p>7 Q. Yeah, if you could provide start and end</p> <p>8 dates.</p> <p>9 <b>A. I don't have specific dates that I can</b></p> <p>10 <b>recall at the moment.</b></p> <p>11 Q. Can you recall what month you moved to that</p> <p>12 address?</p> <p>13 <b>A. I can't hear you. I didn't miss -- I missed</b></p> <p>14 <b>the first part.</b></p> <p>15 Q. Can you recall what month you removed to</p> <p>16 that address?</p> <p>17 MS. GESSNER: Object to form.</p> <p>18 BY MR. KLASS:</p> <p>19 Q. You can answer.</p> <p>20 MS. GESSNER: Counsel, you asked</p> <p>21 her about two different addresses; it's not</p> <p>22 clear.</p> <p>23 Which one are you talking about?</p> <p>24 MR. KLASS: The Dunbritton Lane</p> <p>25 address.</p>

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7 (25 to 28)

<p>25</p> <p>1 THE WITNESS: May. 2 BY MR. KLASS: 3 Q. May of what year? 4 <b>A. I don't recall, I said, the exact year. I</b> 5 <b>don't have the lease in front of me.</b> 6 Q. Where did you live prior to that address? 7 <b>A. Prior to which address?</b> 8 Q. Dunbritton Lane. 9 <b>A. I don't -- I don't recall the address at</b> 10 <b>this time, but you should have it on -- on</b> 11 <b>the statements and the declarations and the</b> 12 <b>hiring paperwork. Teupen has it. I don't</b> 13 <b>have it handy. I don't recall at this</b> 14 <b>moment.</b> 15 Q. Prior to living at Dunbritton Lane, did you 16 live anywhere immediately prior to living 17 there in North Carolina, or did you move to 18 that address from a different state? 19 <b>A. No, I moved -- no. There was a prior</b> 20 <b>address in North Carolina.</b> 21 Q. And you don't remember right now what that 22 address was? 23 <b>A. No.</b> 24 Q. What address did you live at when you 25 applied to work at Teupen?</p>	<p>27</p> <p>1 <b>A. Pineville.</b> 2 Q. Are you currently a member of any civic 3 groups or churches? 4 <b>A. Can you repeat it again.</b> 5 Q. Are you currently a member of any civic 6 groups or churches? 7 <b>A. Church.</b> 8 Q. What church are you a member of? 9 <b>A. Elevation Church.</b> 10 Q. At what location of Elevation Church are you 11 a member? 12 <b>A. Ballantyne.</b> 13 Q. How long have you been a member of Elevation 14 Church? 15 <b>A. I don't recall the year.</b> 16 Q. Other than Elevation Church, are you a 17 member of any other civic group or church? 18 <b>A. What is a "civic group"?</b> 19 Q. It can be however you define it, but 20 examples would be Elks or Kiwanis or Rotary, 21 Lions Club. 22 <b>A. I'm not familiar with any of those.</b> 23 Q. Are you a member of any community 24 organizations? 25 <b>A. No.</b></p>
<p>26</p> <p>1 <b>A. It's the same question. I don't recall the</b> 2 <b>address.</b> 3 Q. When did you move to North Carolina? 4 <b>A. When did I move to North Carolina as far as</b> 5 <b>year?</b> 6 Q. Yes. 7 <b>A. 2016.</b> 8 Q. Do you recall what month? 9 <b>A. August.</b> 10 Q. And where did you move from? 11 <b>A. Where -- as far as address?</b> 12 Q. City and state. 13 <b>A. City and state?</b> 14 Q. Yes. What city and state did you move from 15 when you moved to North Carolina? 16 <b>A. Jersey City, New Jersey.</b> 17 Q. Since you moved to North Carolina, and now 18 to South Carolina, have the members of your 19 household been the same? 20 <b>A. Yes.</b> 21 Q. The address in North Carolina that you lived 22 at prior to living at Dunbritton Lane, was 23 that in Charlotte, or in another city? 24 <b>A. Another city.</b> 25 Q. What city?</p>	<p>28</p> <p>1 Q. Did you review any documents to prepare for 2 this deposition? 3 <b>A. Yes.</b> 4 Q. What documents? 5 <b>A. The same ones that have been shared between</b> 6 <b>you and my attorney.</b> 7 Q. Any other documents than documents that have 8 been shared between Teupen and you and your 9 attorney in this lawsuit? 10 <b>A. I don't understand your question.</b> 11 Q. Have you reviewed any documents to prepare 12 for this deposition other than documents 13 that have been exchanged either by you 14 through your attorney to Teupen or to you 15 from Teupen's counsel? 16 <b>A. No.</b> 17 Q. Did you speak to anyone other than your 18 attorney about this deposition? 19 <b>A. No.</b> 20 Q. Did you ever make any notes, journal 21 entries, diary entries, markings on 22 calenders, or any other writings regarding 23 anything involving your employment with 24 Teupen? 25 <b>A. Can you repeat the question.</b></p>

<p>29</p> <p>1 Q. Did you ever make any notes, journal 2 entries, diary entries, markings on 3 calenders, or any other writings regarding 4 anything involving your employment with 5 Teupen? 6 <b>A. Where? Are you asking for where, or did I 7 ever make any markings?</b> 8 Q. Did you ever make any. 9 <b>A. Anything regarding Teupen was in Teupen 10 premises.</b> 11 Q. Do you know of any other person who has 12 notes or any written documentation of any 13 sort involving facts asserted in your 14 Complaint against Teupen? 15 <b>A. I'm not aware.</b> 16 Q. Other than Teupen, have you ever been 17 discharged from employment? 18 <b>A. Never.</b> 19 Q. As any employer ever advised you words to 20 the effect that, If you did not resign, your 21 employment would be terminated? 22 <b>A. Never.</b> 23 Q. Have you ever been laid off from a company? 24 <b>A. Yes.</b> 25 Q. What was that company?</p>	<p>31</p> <p>1 <b>A. I don't recall, because I don't have my 2 résumé, but I had been promoted.</b> 3 Q. What were you promoted to? 4 <b>A. I'm sorry, I cannot hear you again.</b> 5 Q. What were you promoted to? 6 <b>A. Business manager.</b> 7 Q. Were you -- did your position change after 8 being promoted to business manager by the 9 time you left the company? 10 <b>A. Yes.</b> 11 Q. What did it change to? 12 <b>A. Well, since -- again, since they did away 13 with the department, I went back to 14 financial analyst and worked with the 15 previous department from -- prior to being 16 promoted.</b> 17 Q. When -- when did you go back to being a 18 financial analyst? Do you recall the month 19 and year? 20 <b>A. I don't recall.</b> 21 <b>Can we take a break?</b> 22 Q. Sure. 23 <b>A. Thank you.</b> 24 Q. How much time do you need? Is five minutes 25 okay? Ten minutes?</p>
<p>30</p> <p>1 <b>A. The CDM Group.</b> 2 Q. And were you told what the basis of the 3 layoff was? 4 <b>A. Well, I can't say it was a layoff. They 5 were doing away with certain departments, 6 and the department that I worked for was 7 dismissed, and I was given the opportunity 8 to work in other departments.</b> 9 <b>So when I worked -- when I moved to 10 North Carolina, I continued to work here 11 remotely. And then they had -- they gave me 12 a severance package, and I was -- because I 13 moved, and they didn't have another place 14 for me to go, I was considered as laid off.</b> 15 Q. When did you work for CDM Group? 16 <b>A. When did I work on CDM Group? As far as the 17 length? I am, can you elaborate on that.</b> 18 Q. When was your start date, month and year, 19 with CDM Group? 20 <b>A. 2012.</b> 21 Q. What was your position there when you 22 started? 23 <b>A. Financial analyst.</b> 24 Q. And how long did you hold that position at 25 CDM Group?</p>	<p>32</p> <p>1 <b>A. Ten minutes.</b> 2 Q. Okay. 3 THE VIDEOGRAPHER: Off record, the 4 time is 8:45 Central. 5 (Break taken.) 6 THE VIDEOGRAPHER: Going back on 7 the record, the time is 8:57 Central. 8 BY MR. KLAS: <b>BY MR. KLAS:</b> 9 Q. Ms. Acevedo, what does CM -- CDM Group do as 10 a business? 11 <b>A. Are you referring to my past -- my former 12 employer?</b> 13 Q. Yes. 14 <b>A. It's an advertisement agency.</b> 15 Q. And you said you began working there in 16 2012. 17 Is that right? 18 <b>A. Yes.</b> 19 Q. Who was your supervisor when you worked 20 there? 21 <b>A. Melissa Rodriguez.</b> 22 Q. What was her position? 23 <b>A. A supervisor.</b> 24 Q. Was she a supervisor of yours the entire 25 time you worked there, or for a specific</p>

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9 (33 to 36)

<p>33</p> <p>1 position when you worked there?</p> <p>2 <b>A. For a specific position.</b></p> <p>3 Q. And which position was that?</p> <p>4 <b>A. The first one.</b></p> <p>5 Q. The financial analyst --</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. -- position? Okay.</p> <p>8 Who was your supervisor when you</p> <p>9 were promoted?</p> <p>10 <b>A. Pamela.</b></p> <p>11 Q. And Pamela --</p> <p>12 <b>A. I don't recall her last name at this time.</b></p> <p>13 Q. Okay. Was Pamela your supervisor when your</p> <p>14 employment with CDM Group ended?</p> <p>15 <b>A. No.</b></p> <p>16 Q. Who was your supervisor then?</p> <p>17 <b>A. Melissa Rodriguez.</b></p> <p>18 Q. So Melissa was your original supervisor;</p> <p>19 then you were supervised by Pamela; and then</p> <p>20 you were supervised again by Melissa.</p> <p>21 Is that right?</p> <p>22 <b>A. Yes.</b></p> <p>23 Q. Remind me again what was the position that</p> <p>24 you were promoted into?</p> <p>25 <b>A. It's on the résumé that was handed in to</b></p>	<p>35</p> <p>1 or Jersey City area?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. How long did you work as a financial analyst</p> <p>4 at that point while you were in that</p> <p>5 geographic area?</p> <p>6 <b>A. I don't recall.</b></p> <p>7 Q. At some point when you were working as a</p> <p>8 financial analyst, you moved down to</p> <p>9 North Carolina.</p> <p>10 Is that right?</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. And when you did that, you were working</p> <p>13 remotely?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. Do you recall how long you worked remotely</p> <p>16 from North Carolina before your employment</p> <p>17 ended?</p> <p>18 <b>A. I don't recall.</b></p> <p>19 Q. And what reason did the company give you for</p> <p>20 ending your employment as a financial</p> <p>21 analyst when you were working in</p> <p>22 North Carolina?</p> <p>23 <b>A. They were downsizing. They moved from</b></p> <p>24 <b>New York location to New Jersey.</b></p> <p>25 Q. Prior to working at the CDM Group, had you</p>
<p>34</p> <p>1 <b>Teupen, so you should have that.</b></p> <p>2 Q. Do you recall the position, though?</p> <p>3 <b>A. Business manager.</b></p> <p>4 Q. What department was the business manager</p> <p>5 position in?</p> <p>6 <b>A. Facilities.</b></p> <p>7 Q. And what department was your financial</p> <p>8 analyst position in?</p> <p>9 <b>A. Accounting.</b></p> <p>10 Q. And you said before that CDM Group</p> <p>11 eliminated the facilities department.</p> <p>12 Is that right?</p> <p>13 <b>A. Correct.</b></p> <p>14 Q. And then you moved back to the accounting</p> <p>15 department?</p> <p>16 <b>A. That's right.</b></p> <p>17 Q. When you moved back to the accounting</p> <p>18 department, was there any time period when</p> <p>19 you still worked in the New York area?</p> <p>20 <b>A. Can you repeat that question, please.</b></p> <p>21 Q. When you left being a business manager in</p> <p>22 the facilities department and began working</p> <p>23 again as a financial analyst in the</p> <p>24 accounting department, did you work at any</p> <p>25 point while you were still in the New York</p>	<p>36</p> <p>1 held any prior employment as an account or</p> <p>2 bookkeeper or a similar role?</p> <p>3 <b>A. Yes.</b></p> <p>4 Q. What company was that at?</p> <p>5 <b>A. I don't have my résumé in front of me to go</b></p> <p>6 <b>over what my employment history is, but</b></p> <p>7 <b>they've all been accounting in some way or</b></p> <p>8 <b>form.</b></p> <p>9 Q. Do you recall your prior employer that</p> <p>10 you performed any --</p> <p>11 <b>A. I can't hear you.</b></p> <p>12 Q. I'm sorry.</p> <p>13 Can you recall the name of any</p> <p>14 employer that you performed accounting work</p> <p>15 for prior to working at Teupen other than</p> <p>16 CDM Group?</p> <p>17 MS. GESSNER: Object to form,</p> <p>18 Counsel. She has -- asked and answered,</p> <p>19 and -- and you have her résumé. I think</p> <p>20 she's asked you several times to show it.</p> <p>21 You're asking her to memorize something that</p> <p>22 she said is written down on a document that</p> <p>23 you have in your possession.</p> <p>24 So, again, asking these memory</p> <p>25 questions, you're going to get, I don't</p>

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10 (37 to 40)

<p>37</p> <p>1 recall. She's asked you to assist her by 2 showing her the document, as opposed to 3 asking her these blind questions. 4 So I'd ask that you give her that 5 courtesy. It seems as if -- if you're 6 playing games with her for some reason 7 unnecessarily. 8 MR. KLASS: Thank you for that 9 objection. I would ask that you not engage 10 in speaking objections, which are 11 inappropriate and improper under Rule 30. 12 You can simply object to the form of the 13 question. 14 And these are my deposition 15 questions, and I can ask whichever questions 16 I would like to, and if you would like to 17 object, that is certainly your right to do 18 so. 19 So -- 20 MS. GESSNER: Okay. Counsel, 21 objection to your statement on the record. 22 You asked this witness to ask you if she 23 didn't understand, or ask you to clarify. 24 She has now repeatedly asked you to show her 25 your -- her résumé, to which that you have</p>	<p>39</p> <p>1 remember. 2 <b>A. I don't recall.</b> 3 Q. Thank you. 4 Other than with CDM Group, have you 5 ever been laid off from employment? 6 <b>A. No.</b> 7 Q. Now, I'd like to ask you questions about 8 your employment history after you worked at 9 Teupen. 10 Who was your first employer after 11 you worked at Teupen? 12 <b>A. Signature Healthcare.</b> 13 Q. When did you begin working for Signature 14 Healthcare? 15 <b>A. May.</b> 16 Q. Of what year? 17 <b>A. 2020.</b> 18 Q. What position were you hired into? 19 <b>A. Bookkeeper.</b> 20 Q. Was that a full-time position or a part-time 21 position? 22 <b>A. Part-time.</b> 23 Q. How many hours per week? 24 <b>A. I cannot hear you again.</b> 25 Q. I'm sorry.</p>
<p>38</p> <p>1 repeatedly refused. 2 So, again, it seems as if you're 3 being completely obstructive in allowing her 4 to give you honest answers that -- as 5 opposed to from memory from the document she 6 has informed you that you have in your 7 possession, and she knows that you have in 8 your possession, and you're refusing to show 9 it to her. 10 So, again, if you ask her 11 questions, and not try to harass and 12 obstruct this deposition, I will be silent. 13 MR. KLASS: Thank you, again, for 14 your speaking objection, which is improper. 15 So I will ask a new question. 16 BY MR. KLASS: 17 Q. Ms. Acevedo, do you have any memory, as you 18 sit here today, apart from looking at a 19 résumé, of any prior company that you 20 performed accounting work for prior to 21 working at Teupen other than CDM Group? 22 <b>A. I'm going to request that you show me the</b> 23 <b>résumé, so we can view it altogether.</b> 24 Q. Ms. Acevedo I'm just asking if you have a 25 memory. If you don't remember, you don't</p>	<p>40</p> <p>1 How many hours per week? 2 <b>A. Less than 18 hours.</b> 3 Q. What was your rate of pay? 4 <b>A. \$26 an hour.</b> 5 Q. How long did you hold that position for? 6 <b>A. How long did I hold the position for?</b> 7 Q. Yes. 8 <b>A. Are you asking if I'm still working there?</b> 9 Q. Are you still working there? 10 <b>A. Yes.</b> 11 Q. Are you still working as a part-time 12 bookkeeper for them? 13 <b>A. No.</b> 14 Q. When did you stop working as a part-time 15 bookkeeper for them? 16 <b>A. November.</b> 17 Q. Of 2020? 18 <b>A. Yes.</b> 19 Q. And when you stopped working as a part-time 20 bookkeeper for Signature Healthcare in 21 November of 2020, what was your new position 22 with that company? 23 <b>A. Just full-time.</b> 24 Q. Did your rate of pay change? 25 <b>A. No.</b></p>

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11 (41 to 44)

<p>41</p> <p>1 Q. Are you still paid on an hourly basis?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And what is your current rate of pay there?</p> <p>4 <b>A. I believe you just asked me if it was the</b></p> <p>5 <b>same pay, so I don't understand your next</b></p> <p>6 <b>question.</b></p> <p>7 Q. Are you still being paid \$26 per hour at</p> <p>8 Signature Healthcare?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. And when you say "full-time," what do you</p> <p>11 mean by that in terms of hours worked per</p> <p>12 week?</p> <p>13 <b>A. More than 18 hours a week.</b></p> <p>14 Q. Are you given a set number of hours to work</p> <p>15 each week?</p> <p>16 <b>A. No.</b></p> <p>17 Q. If you work over 40 hours a week, are you</p> <p>18 paid overtime?</p> <p>19 <b>A. Yes.</b></p> <p>20 Q. Other than Signature Healthcare, have you</p> <p>21 worked at any other company since leaving</p> <p>22 employment with Teupen?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. What other company?</p> <p>25 <b>A. Raven's Nest.</b></p>	<p>43</p> <p>1 performing work for them?</p> <p>2 <b>A. They didn't need me anymore.</b></p> <p>3 Q. Did they tell you why?</p> <p>4 <b>A. They said the company was -- is going</b></p> <p>5 <b>through a slow term after the holidays, and</b></p> <p>6 <b>they will call me back when they boost up in</b></p> <p>7 <b>sales.</b></p> <p>8 Q. And did they ever call you back?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Did you ever follow up with them?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Other than Signature Healthcare and</p> <p>13 Raven's Nest, have you worked for any other</p> <p>14 company since you left employment with</p> <p>15 Teupen?</p> <p>16 <b>A. I -- I don't understand the question.</b></p> <p>17 Q. Other than Raven's Nest -- strike that.</p> <p>18 Other than working for Raven's Nest</p> <p>19 and Signature Healthcare, have you worked</p> <p>20 for any other company since you stopped</p> <p>21 working for Teupen?</p> <p>22 <b>A. I have another part-time job at Complete</b></p> <p>23 <b>Package Cleaning Services.</b></p> <p>24 Q. What job was that?</p> <p>25 <b>A. Bookkeeper.</b></p>
<p>42</p> <p>1 Q. Do you still work there?</p> <p>2 <b>A. No.</b></p> <p>3 Q. When did you begin working at Raven's Nest?</p> <p>4 <b>A. September.</b></p> <p>5 Q. Of 2020?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. What position did you hold with</p> <p>8 Raven's Nest?</p> <p>9 <b>A. Bookkeeper.</b></p> <p>10 Q. Was that a full- or part-time position?</p> <p>11 <b>A. It was part-time.</b></p> <p>12 Q. How many hours per week did you work?</p> <p>13 <b>A. Less than six.</b></p> <p>14 Q. What was your rate of pay?</p> <p>15 <b>A. \$20 per hour.</b></p> <p>16 Q. How long did you work at Raven's Nest?</p> <p>17 <b>A. It was a short term.</b></p> <p>18 Q. Do you recall what month you ended</p> <p>19 employment there?</p> <p>20 <b>A. Last time I worked there was December 2020.</b></p> <p>21 Q. Why did you stop working at Raven's Nest?</p> <p>22 <b>A. I was sort of on a per-diem basis or a</b></p> <p>23 <b>contractor. I wasn't -- it was just</b></p> <p>24 <b>whenever they needed me, if they needed me.</b></p> <p>25 Q. So why did they -- why did you stop</p>	<p>44</p> <p>1 Q. When did you work for them?</p> <p>2 <b>A. As in time length?</b></p> <p>3 <b>Can you elaborate on that, please.</b></p> <p>4 Q. When did -- what month did you start working</p> <p>5 for them?</p> <p>6 <b>A. I worked for them for a long time, even</b></p> <p>7 <b>before -- while also was working with</b></p> <p>8 <b>Teupen.</b></p> <p>9 Q. Do you recall when you started working for</p> <p>10 them, what year?</p> <p>11 <b>A. 2018.</b></p> <p>12 Q. Did you work as their bookkeeper their --</p> <p>13 that entire time that you worked for them?</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. How many hours per week did you work for</p> <p>16 them?</p> <p>17 <b>A. Five hours.</b></p> <p>18 Q. Is that five hours every week?</p> <p>19 <b>A. Weekly -- it wasn't five hours a week, no.</b></p> <p>20 Q. So in -- well, strike that.</p> <p>21 Did you work for them continuously</p> <p>22 from 2018 -- or I -- I'll strike that too.</p> <p>23 Do you still work for Complete --</p> <p>24 for that company?</p> <p>25 <b>A. Yes.</b></p>

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12 (45 to 48)

<p>45</p> <p>1 Q. Okay. Since you began working for them in 2 2018 to the present, have you worked for 3 them continuously? 4 <b>A. It sounds like you just re-asked me the same 5 thing. I -- can you repeat that.</b> 6 Q. I'll ask a different question. 7 What is the average number of hours 8 per week you have worked for them since you 9 started working for them in 2018? 10 <b>A. Less than five hours.</b> 11 Q. Can you be more specific? 12 <b>A. Three hours.</b> 13 Q. Other than that company, Raven's Nest, and 14 Signature Healthcare, have you worked for 15 any other companies since you left 16 employment with Teupen? 17 <b>A. No.</b> 18 Q. While you were employed part-time with 19 Signature Healthcare, did you continue to 20 work -- to look for additional work? 21 <b>A. Yes.</b> 22 Q. And how did you do that? 23 <b>A. How did I do what?</b> 24 Q. Look for additional work. 25 <b>A. Indeed, LinkedIn.</b></p>	<p>47</p> <p>1 MR. KLASS: Of course. 2 Did you tell that company that you 3 were still working for Teupen verbally, in 4 writing, or both? 5 (Reporter clarification.) 6 THE WITNESS: Yes. 7 BY MR. KLASS: 8 Q. Was that application to that company made 9 while you were still employed with Teupen, 10 or after you were employed with Teupen? 11 <b>A. After.</b> 12 Q. Was it on your résumé that you provided to 13 them that you were still employed with 14 Teupen at that time? 15 <b>A. Yes.</b> 16 Q. Did they tell you how they found out you no 17 longer worked at Teupen? 18 <b>A. No.</b> 19 Q. Other than that one job offer, were there 20 any other job offers that you received that 21 you did not accept after you left working 22 for Teupen? 23 <b>A. No.</b> 24 Q. Did you tell any other companies after you 25 left Teupen, either verbally or in writing,</p>
<p>46</p> <p>1 Q. Did you send applications to employers other 2 than through LinkedIn or Indeed? 3 <b>A. No.</b> 4 Q. Were you ever offered a job by a company 5 since you left Teupen other than the three 6 companies that you mentioned a minute ago? 7 <b>A. Yes.</b> 8 Q. What company offered you a position? 9 <b>A. I don't recall the name right now.</b> 10 Q. Do you recall when they offered you the 11 position? 12 <b>A. In 2020.</b> 13 Q. Do you recall the month? 14 <b>A. October.</b> 15 Q. And why did you not accept that offer? 16 <b>A. I did accept the offer.</b> 17 Q. How come you did not start working for that 18 company? 19 <b>A. Because they rescinded my offer after 20 learning that I wasn't working with Teupen 21 any longer.</b> 22 Q. When you applied to that company -- in 23 writing, or both? 24 <b>A. Both.</b> 25 <b>(Reporter clarification.)</b></p>	<p>48</p> <p>1 that you still worked for Teupen at the time 2 that you applied? 3 <b>A. No.</b> 4 Q. At Signature Healthcare, do you have 5 benefits? 6 And by "benefits," I mean, health 7 insurance, dental insurance, 401(k) 8 participation. 9 <b>A. Yes.</b> 10 Q. And have you signed up for any insurance 11 plans through Signature Healthcare? 12 <b>A. Yes.</b> 13 Q. Did you participate in those insurance plans 14 when you began working there part-time or 15 sometime after that? 16 <b>A. No.</b> 17 Q. When did you sign up for health insurance or 18 other insurance coverage through Signature 19 Healthcare? 20 <b>A. During open enrollment.</b> 21 Q. Do you recall when that was? 22 <b>A. April 2021.</b> 23 Q. Were you eligible to enroll in health or 24 other benefits plans prior to April 2021 25 with Signature Healthcare?</p>

<p>49</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And you chose not to enroll?</p> <p>3 <b>A. No, I was getting medical, but I didn't have</b></p> <p>4 <b>a full benefits package until April 2021.</b></p> <p>5 Q. When did you -- when were you provided</p> <p>6 medical or health insurance benefits with</p> <p>7 Signature Healthcare?</p> <p>8 <b>A. When I became full-time.</b></p> <p>9 Q. Were you eligible to receive health</p> <p>10 insurance through Signature Healthcare prior</p> <p>11 to working full-time?</p> <p>12 <b>A. I believe you asked me that question</b></p> <p>13 <b>again -- before.</b></p> <p>14 <b>Is it something different? I</b></p> <p>15 <b>don't -- I don't know. Can you explain this</b></p> <p>16 <b>question.</b></p> <p>17 Q. Prior to working full-time for Signature</p> <p>18 Healthcare, were you given the opportunity</p> <p>19 to enroll with their health insurance plan?</p> <p>20 <b>A. No.</b></p> <p>21 Q. And you said that when you -- that during</p> <p>22 open enrollment in April of 2021, you were</p> <p>23 given a full benefits package.</p> <p>24 What -- what do you mean by that?</p> <p>25 <b>A. 401(k), I had an opportunity to sign up for</b></p>	<p>51</p> <p>1 Q. Did you enroll in dental coverage when</p> <p>2 you -- with Signature Healthcare when you</p> <p>3 became full-time with Signature Healthcare?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. Did you have health insurance coverage -- or</p> <p>6 I'll strike that.</p> <p>7 Did you have health insurance</p> <p>8 between when you ended employment with</p> <p>9 Teupen and becoming full-time for Signature</p> <p>10 Healthcare?</p> <p>11 <b>A. No.</b></p> <p>12 Q. Were you insured through any plan held by</p> <p>13 your husband during that time?</p> <p>14 <b>A. I said no insurance, sir.</b></p> <p>15 Q. When did you begin working at Teupen?</p> <p>16 <b>A. 2017.</b></p> <p>17 Q. Do you recall what month?</p> <p>18 <b>A. May.</b></p> <p>19 Q. Did you sign an Employment Agreement when</p> <p>20 you began working at Teupen?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Would you agree that that Employment</p> <p>23 Agreement was in effect throughout your time</p> <p>24 at Teupen?</p> <p>25 <b>A. I don't understand your question.</b></p>
<p>50</p> <p>1 <b>401(k).</b></p> <p>2 Q. Any other type of benefit that you were</p> <p>3 given then that you were not previously</p> <p>4 eligible for?</p> <p>5 <b>A. Additional PTL time.</b></p> <p>6 Q. Any type of insurance coverage that you</p> <p>7 became eligible for in April 2021 that you</p> <p>8 were not eligible for when you became</p> <p>9 full-time?</p> <p>10 <b>A. That sounds like the same question.</b></p> <p>11 <b>Can -- I don't understand.</b></p> <p>12 Q. When you -- when you became full-time with</p> <p>13 Signature Healthcare, you enrolled in their</p> <p>14 health plan coverage; is that right?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Did you enroll at the same time in any other</p> <p>17 health -- health or benefits insurance at</p> <p>18 the same time?</p> <p>19 <b>A. I'm sorry, I didn't hear the first part.</b></p> <p>20 <b>Can you repeat the question.</b></p> <p>21 Q. Okay. Other than enrolling in health</p> <p>22 insurance coverage when you became full-time</p> <p>23 with Signature Healthcare, did you enroll in</p> <p>24 any other insurance plan at that same time?</p> <p>25 <b>A. I don't understand your question.</b></p>	<p>52</p> <p>1 Q. I'll rephrase.</p> <p>2 After you signed the Employment</p> <p>3 Agreement with Teupen, was the Employment</p> <p>4 Agreement ever rescinded or canceled in any</p> <p>5 way?</p> <p>6 <b>A. No.</b></p> <p>7 Q. So, if I can, I'd like to share my screen</p> <p>8 with you. Let me see if I can make this</p> <p>9 work.</p> <p>10 Can you see the top of a document</p> <p>11 in front of you called Employment Agreement?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. Okay. And do you see the first paragraph is</p> <p>14 dated the 24th of May, 2017?</p> <p>15 <b>A. You're asking me if I can see the paragraph?</b></p> <p>16 Q. Yeah. Do you see where it says that; where</p> <p>17 it says the 24th day of May, 2017?</p> <p>18 MS. GESSNER: Counsel, what are the</p> <p>19 Bates numbers of this document and how many</p> <p>20 pages is it. Please read it into the record</p> <p>21 to that it is clear --</p> <p>22 MR. KLASS: Okay.</p> <p>23 MS. GESSNER: -- exactly what</p> <p>24 you're looking at.</p> <p>25 MR. KLASS: It is eight pages. It</p>

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14 (53 to 56)

<p>53</p> <p>1 starts at 1Teupen00009, and it ends at -- 2 hold on -- 1Teupen00016. 3 BY MR. KLASS: 4 Q. Ms. Acevedo, would -- would you agree that 5 this is your Employment Agreement with 6 Teupen? 7 MS. GESSNER: Objection, Counsel. 8 She can only see the first page, despite the 9 scrolling. If you'd like to give her an 10 opportunity to read all eight pages and give 11 her the scrolling capabilities or let her 12 tell you when to scroll next, again, 13 I -- she has not had an opportunity to read 14 this document. 15 MR. KLASS: I will note that that's 16 the second speaking objection made that is 17 improper. 18 MS. GESSNER: And I'll note that if 19 Counsel would take a proper deposition, I 20 wouldn't need to instruct him on how to show 21 a witness a document. 22 So I'm not going to let this 23 witnessed be hoodwinked into answering 24 questions when you know you are required to 25 show her the full document and give her an</p>	<p>55</p> <p>1 <b>A. Can you repeat the question.</b> 2 Q. When was -- when was your last day of 3 employment with Teupen? 4 <b>A. I don't know.</b> 5 Q. Okay. All right. So turning back to when 6 you were hired, who were you hired by? 7 <b>A. Sheri Geraghty.</b> 8 Q. What was her position at Teupen at the time? 9 <b>A. Controller.</b> 10 Q. And what position did -- or were you hired 11 into? 12 <b>A. I'm sorry can you repeat that.</b> 13 Q. What position were you hired for? 14 <b>A. Accountant.</b> 15 Q. And who were you to report to as an 16 accountant for Teupen? 17 <b>A. Sheri Geraghty.</b> 18 Q. Was she your direct supervisor? 19 <b>A. Yes.</b> 20 Q. Did you have any other supervisors when you 21 began employment? 22 <b>A. David Kesser.</b> 23 Q. What was his position? 24 <b>A. President.</b> 25 Q. Did you have any other supervisors at that</p>
<p>54</p> <p>1 opportunity to review it, just as if we were 2 in person, where she would be handed the 3 hardcopy of the document and have as much 4 time as she needs to review it. 5 So, Counsel, please conduct 6 yourself professionally, and, again, I will 7 not say a word. 8 BY MR. KLASS: 9 Q. Ms. Acevedo, do you see your signature on 10 the screen in front of you? 11 <b>A. Yes.</b> 12 Q. Do you recognize that to be your signature? 13 <b>A. Yes.</b> 14 Q. Okay. And do you see at the bottom of that 15 document, on the bottom right, it says, 16 1Teupen00016? 17 <b>A. Yes.</b> 18 Q. Okay. When you left employment with Teupen 19 in January of 2020, did you ever sign any 20 type of Separation or Severance Agreement? 21 <b>A. I don't recall.</b> 22 Q. When you left employment with Teupen, would 23 you agree that your -- that you were 24 informed of your separation on January 3rd, 25 2020?</p>	<p>56</p> <p>1 time? 2 <b>A. No.</b> 3 Q. Was David Kesser a direct supervisor of 4 yours, or was he a secondary or indirect 5 supervisor? 6 <b>A. I reported to Sheri Geraghty.</b> 7 Q. And who did Sheri Geraghty report to? 8 <b>A. David Kesser.</b> 9 Q. What were your job duties as accountant when 10 you were hired? 11 <b>A. I can't recall all the responsibilities. If 12 you have the form that you can share, and I 13 can review it, we can go over what I've 14 done.</b> 15 Q. I'll rephrase. 16 On a typical day, what were your 17 job duties -- what did your job duties 18 entail? 19 <b>A. Again, it's a long list. It's a small 20 company. I did more than accounting.</b> 21 Q. Well, what type of accounting functions did 22 you perform for Teupen when you were hired? 23 <b>A. Accounts payable, accounts receivable.</b> 24 Q. Anything else accounting related that you 25 can remember?</p>

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15 (57 to 60)

<p>57</p> <p>1 <b>A. There's a whole list, and I don't have it in</b> 2 <b>front of me to go over every detail of my</b> 3 <b>duties.</b> 4 Q. You said you performed duties other than 5 accounting. 6 Were there -- what duties were 7 those? 8 <b>A. I used to purchase office supplies.</b> 9 Q. Any other non-accounting duties you 10 performed? 11 <b>A. I helped with the parts department.</b> 12 Q. In what way? 13 <b>A. In many different ways. I mean, I could</b> 14 <b>just -- doing the auditing at the end of the</b> 15 <b>year, counting parts.</b> 16 Q. Any other duties you had when you were hired 17 aside from accounting duties other than 18 purchasing office supplies and helping the 19 parts department? 20 <b>A. Like I said, I've -- I've done multiple</b> 21 <b>tasks there. I just can't name them all off</b> 22 <b>the top of my head.</b> 23 Q. Can you name any other ones off the top of 24 my head? 25 <b>A. I just said I couldn't name them off the top</b></p>	<p>59</p> <p>1 sent to your office, attention to Ben, your 2 co-counsel, since he isn't here for the 3 deposition, on some outstanding discovery 4 that was ordered by the judge to be produced 5 to us on October 11th that has not been 6 produced. 7 We need responses to this 8 discovery, because, as you know, we are set 9 to depose Mr. Borutta tomorrow, and are now, 10 while you're taking her deposition, severely 11 prejudiced because of Defendant's refusal to 12 comply with the judge's order. 13 Will you please confirm that letter 14 has been received and we will receive 15 responses by 4:00 p.m. today. Otherwise, we 16 need to postpone the deposition and take 17 this issue up with the Court and seek fees 18 and costs and perhaps even issue sanctions 19 for fairly to comply. 20 MR. KLASS: I have received the 21 e-mail. I cannot commit to providing a 22 response by 4:00 p.m. today, especially 23 because Mr. Borutta is attending the 24 deposition currently, and I would need to 25 confer with him to provide any supplement</p>
<p>58</p> <p>1 <b>of my head, aside from what I just</b> 2 <b>mentioned, sir.</b> 3 Q. Did you have any job duties related to human 4 resources? 5 <b>A. Not at all.</b> 6 Q. Did you have any job duties related to 7 payroll? 8 <b>A. No.</b> 9 Q. Did you have any job duties related to 10 general office administration? 11 <b>A. You need to elaborate on that.</b> 12 Q. I'll rephrase. 13 <b>A. Can we take a break?</b> 14 Q. Okay. Do you need ten minutes? 15 <b>A. Sure. That will do.</b> 16 THE VIDEOGRAPHER: We're off the 17 record. The time is 9:38 Central. 18 (Break taken.) 19 THE VIDEOGRAPHER: Going back on 20 the record, the time is 9:48 Central. 21 BY MR. KLASS: 22 Q. Ms. Acevedo, I'm going to share my screen 23 with you. 24 MS. GESSNER: And, David, before 25 you start asking her questions, we have just</p>	<p>60</p> <p>1 that we think is needed. 2 I have not had a chance to review 3 your letter, especially in any meaningful 4 detail, because we are in the middle of a 5 deposition. I'll note that we provided our 6 supplements last Friday. 7 You have had several days to review 8 them. And demanding -- or, first, sending a 9 letter during a deposition, and then 10 demanding a response during the same day as 11 the deposition is not realistic. But we 12 will do our best to respond when we are able 13 to. 14 MS. GESSNER: Well, Counsel, we 15 have expeditiously reviewed the documents. 16 And I'll note that you were sending 17 documents -- first of all, you had your 18 assistant send a link to documents that no 19 documents actually were available in the 20 link. 21 And then additional documents prior 22 to Ms. Acevedo's deposition were not 23 received until very late yesterday evening 24 on the eve of her deposition that were, in 25 fact, due on Monday.</p>

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16 (61 to 64)

<p>61</p> <p>1 You do have co-counsel, and you 2 have not announced it anyway that 3 Mr. Morrell is in this deposition. 4 Is that correct? 5 MR. KCLASS: He is not in this 6 deposition, but I also do not know what his 7 availability is today to respond. 8 MS. GESSNER: Okay. And, Counsel, 9 Mr. Borutta is with you. We will take a 10 lunch break, correct, around 12:00, 12:30, 11 and you'll have at least 45 minutes to an 12 hour to consult with Mr. Borutta and provide 13 those responses to us? 14 MR. KCLASS: I will be using my 15 lunch break to perform work on the 16 deposition, as we are in the middle of a 17 deposition. If I have time, I will consult 18 with him about your letter. 19 MS. GESSNER: Well, Counsel, he is 20 present with you. You do have time. And 21 you are aware and have made your client 22 aware that Defendant is in contempt of a 23 Court Order by refusing to provide discovery 24 responses that the Court ordered, correct? 25 MR. KCLASS: No, we disagree with</p>	<p>63</p> <p>1 objection to doing -- or to calling the 2 magistrate judge about a discovery matter 3 that -- that does not relate to the current 4 deposition while the deposition is 5 proceeding. 6 So -- 7 MS. GESSNER: Counsel -- 8 MR. KCLASS: -- once this deposition 9 ends, I have no objection to calling the 10 magistrate judge about the issue you have 11 raised. Otherwise, we would object to 12 calling the magistrate judge about any issue 13 that does not relate to the conduct of this 14 deposition that I am taking of your client. 15 MS. GESSNER: Okay. Well, we 16 disagree. And, Counsel, the -- the 17 abundant, abundant lack of professionalism 18 and gamesmanship that you participated in to 19 make sure that you took Ms. Acevedo's 20 deposition first, even though we noticed 21 Mr. Borutta first, is noted and will not be 22 lost if we have to fight this fight before 23 the Court. 24 And so not making yourself 25 available for a deposition that you insisted</p>
<p>62</p> <p>1 that statement. And if we can now continue 2 with our deposition, we -- 3 MS. GESSNER: Well, Counsel, wait a 4 minute. We're going to call the 5 magistrate's office at lunch, so -- because 6 we're not going to proceed with Mr. Borutta 7 until we know with confidence that you are 8 going to respond. 9 So we'll reach out to Judge Cayer's 10 office and ask that you make yourself 11 available when the Court is available during 12 this deposition today. 13 Do you have any objection to that? 14 MR. KCLASS: I don't have an 15 objection to you calling the magistrate 16 judge about whatever you want to call him 17 about. 18 MS. GESSNER: Okay. And we'll -- 19 we'll take a break when we are available to 20 get him and get you on the call at the same 21 time, given we're all in the same room 22 today. 23 You don't have any objection to 24 that, do you? 25 MR. KCLASS: I only have an</p>	<p>64</p> <p>1 go after Ms. Acevedo is ridiculous. So, 2 we -- we'll take it up with Judge Cayer. 3 And I just want to make sure on the record 4 that the Court is aware that you are 5 withholding simple information, simple as an 6 organization chart, and obstructing our 7 ability to take a meaningful deposition 8 tomorrow, and, as well, to prepare this 9 witness for this deposition today, because 10 you refuse to produce documents that the 11 Court ordered you to produce. 12 So, you proceed, and we'll -- 13 we'll -- we'll do what we need to do on this 14 end. But if we don't have the documents by 15 4:00 p.m., we are going to postpone 16 Mr. Borutta's deposition and seek fees and 17 costs accordingly. 18 MR. KCLASS: I disagree with your 19 contentions, and you are free to file 20 whatever you want to file. 21 So, with that, can we proceed with 22 the deposition? 23 BY MR. KCLASS: 24 Q. All right. Ms. Acevedo, I'm going to share 25 with you my screen.</p>

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17 (65 to 68)

<p>65</p> <p>1 Do you see a document in front of</p> <p>2 you with a title of Accounting Administrator</p> <p>3 at the top?</p> <p>4 <b>A. Yes.</b></p> <p>5 Q. And do you see at the bottom of this</p> <p>6 document, in the lower right-hand corner, it</p> <p>7 says, 1Teupen00006?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. Sorry for this.</p> <p>10 Do you recognize this document?</p> <p>11 <b>A. I will have to read it, so give me a few</b></p> <p>12 <b>minutes.</b></p> <p>13 Q. Okay.</p> <p>14 <b>A. I can't scroll up. Do you -- can I scroll</b></p> <p>15 <b>somehow?</b></p> <p>16 Q. I can scroll down for you.</p> <p>17 <b>A. Okay. Okay.</b></p> <p>18 Q. Do you recognize this document?</p> <p>19 <b>A. It looks like what I probably would have</b></p> <p>20 <b>seen when I applied for Teupen in the either</b></p> <p>21 <b>Indeed or LinkedIn. I don't recall.</b></p> <p>22 Q. Does this document accurately reflect what</p> <p>23 your accounting job duties were as</p> <p>24 accounting administrator for Teupen?</p> <p>25 <b>A. The majority, but not all of it.</b></p>	<p>67</p> <p>1 Q. All right. I will share with you another</p> <p>2 document.</p> <p>3 Are you looking at a document that</p> <p>4 says, Job Title, Accounting Manager, at the</p> <p>5 top?</p> <p>6 <b>A. That's what I read.</b></p> <p>7 Q. Okay. And at the bottom of the first page</p> <p>8 of the document is 1Teupen00001, and it's</p> <p>9 two pages, and it goes to 1Teupen00002.</p> <p>10 Do you see that?</p> <p>11 <b>A. I don't see anything on the second page.</b></p> <p>12 Q. Do you see the number on the bottom of the</p> <p>13 page?</p> <p>14 <b>A. The number I see, yes.</b></p> <p>15 Q. So if you could take a moment to review this</p> <p>16 document and let me know when I need to</p> <p>17 scroll down.</p> <p>18 <b>A. You can scroll. Okay. I'm done.</b></p> <p>19 Q. Ms. Acevedo, did you take on the role of</p> <p>20 accounting manager at some point while you</p> <p>21 worked at Teupen?</p> <p>22 <b>A. Yes, I was given the title, but this is the</b></p> <p>23 <b>first time that I've seen this job</b></p> <p>24 <b>description. It has never been presented to</b></p> <p>25 <b>me.</b></p>
<p>66</p> <p>1 Q. Is there anything that's listed on this</p> <p>2 document that you did not perform?</p> <p>3 <b>A. Okay. I'll have to review it again.</b></p> <p>4 Q. I'll strike the question.</p> <p>5 How long were you an accounting</p> <p>6 administrator for Teupen?</p> <p>7 <b>A. I don't have all the paperwork available to</b></p> <p>8 <b>me now. I know that there have been several</b></p> <p>9 <b>shifts in titles, but I don't have that in</b></p> <p>10 <b>front of me. So if you have that and</b></p> <p>11 <b>wouldn't mind sharing it, then that would be</b></p> <p>12 <b>great.</b></p> <p>13 Q. Did your job title ever change from</p> <p>14 accounting administrator?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. What did it change to?</p> <p>17 <b>A. Like I said, I don't have the information in</b></p> <p>18 <b>front of me. So if you don't mind sharing</b></p> <p>19 <b>that, that would be great.</b></p> <p>20 Q. Do you have an independent memory, without</p> <p>21 looking at a document, as to what your title</p> <p>22 changed to?</p> <p>23 <b>A. It's been quite some time. So, if you would</b></p> <p>24 <b>show me the document, that would -- that may</b></p> <p>25 <b>be helpful to me to refresh my memory.</b></p>	<p>68</p> <p>1 Q. Even though it's the first time you've seen</p> <p>2 this job description, having reviewed it,</p> <p>3 are the duties and description of the job</p> <p>4 accurate to what you actually did as an</p> <p>5 accounting manager for Teupen?</p> <p>6 <b>A. I have to read it again. And if you can</b></p> <p>7 <b>center it, I'll be able to see all the key</b></p> <p>8 <b>responsibilities.</b></p> <p>9 <b>Bring it down a little.</b></p> <p>10 Q. Like that --</p> <p>11 <b>A. Yes.</b></p> <p>12 Q. -- or --</p> <p>13 <b>A. That right there, mm-hmm.</b></p> <p>14 <b>So, I'm sorry, can you repeat the</b></p> <p>15 <b>question.</b></p> <p>16 Q. So, Ms. Acevedo, even though you haven't</p> <p>17 seen this document before, are the key</p> <p>18 responsibilities that are described in this</p> <p>19 document the same responsibilities that you</p> <p>20 actually performed as an accounting manager</p> <p>21 for Teupen?</p> <p>22 <b>A. Well, I mean, if they were numbered, I could</b></p> <p>23 <b>tell you which number I have done and what</b></p> <p>24 <b>was part of my responsibilities. There are</b></p> <p>25 <b>other bullet points here that I just</b></p>

<p>69</p> <p>1 resumed, because there was no controller or 2 VP of finance in Teupen. 3 So while Sheri left, there was 4 nobody there, physically there, to do these 5 things. So I kind of picked up, but they 6 were not under my responsibilities when I 7 was promoted to the accounting manager. 8 Most of the bullets here are for controller 9 and VP of finance. 10 Q. Okay. So most of the bullet points on this 11 document are job duties that you did not do 12 until after Sheri Geraghty left employment 13 with Teupen; is -- 14 A. Correct. 15 Q. -- that right? 16 A. Yes. 17 Q. Okay. Do you recall when you became the 18 accounting manager for Teupen? 19 A. I don't have the actual date. I'm sure you 20 have it. And so if you can share that, I 21 can recollect. I don't know the date off 22 the top of my head. 23 Q. Do you recall -- well, if you began working 24 for Teupen in 2017, and you worked until 25 January of 2020, do you recall what year you</p>	<p>71</p> <p>1 Did they leave because they chose 2 to leave, or were they fired? 3 Q. In any manner. 4 A. I would say during that -- during that time, 5 there was a high turnover. 6 Q. And David Kesser, who you mentioned before, 7 did he leave Teupen around that time? 8 A. More or less around that time, he was fired. 9 Q. How do you know he was fired? 10 A. Because I was given paperwork to handle in 11 the absence of an HR rep or controller or VP 12 of finance. I was asked to take on 13 responsibilities that I had to quickly learn 14 of, because it wasn't in my job description. 15 Q. Who asked you to have a role in that? 16 A. I'm sorry, I didn't hear you. 17 Q. Who asked you to have a role in doing that? 18 A. Martin. 19 Q. Would that be Martin Borutta? 20 A. Correct. 21 Q. And what did you understand at that time to 22 be his position with Teupen? 23 A. I believe he was in transition of becoming 24 the CEO. 25 Q. Prior to Sheri Geraghty leaving in summer of</p>
<p>70</p> <p>1 became the accounting manager? 2 A. 2019. 3 Q. Okay. Did you become the accounting manager 4 before Sheri Geraghty left? 5 A. Yes, she promoted me. 6 Q. And Sheri Geraghty left Teupen in July of 7 2019, correct? 8 A. I don't have those HR documents. If -- if 9 that's what you have, I don't recall. 10 Q. Do you recall when Sheri Geraghty left 11 Teupen? 12 A. It's the same question. 13 Q. Do you recall what year she left? 14 A. 2019. 15 Q. Do you recall what season it was; winter, 16 spring, summer, fall? 17 A. I would say summer. 18 Q. And around the same time that Sheri Geraghty 19 left, did any other one end their employment 20 with Teupen? 21 A. I'm sorry, can you repeat the question. 22 Q. Around the same time that Sheri Geraghty 23 left Teupen, did any other employees leave 24 Teupen as well? 25 A. Well, can you elaborate on that.</p>	<p>72</p> <p>1 2019, had you ever talked to Martin Borutta 2 before? 3 A. No, again, I never had -- no. 4 Q. Prior to Sheri Geraghty leaving in summer of 5 2019, had you ever communicated with 6 Martin Borutta before, including by e-mail? 7 A. No. 8 Q. When did you first become aware of who 9 Martin Borutta was as he related to Teupen? 10 A. I don't recall the dates and time. 11 Q. Did you know who he was prior to 12 Sheri Geraghty leaving the company? 13 A. I knew that he was a shareholder. 14 Q. Do you remember when you became aware of 15 that? 16 A. No, I don't recall. 17 Q. When did you first meet Martin Borutta? 18 A. I don't recall. 19 Q. Did you meet him prior to Sheri Geraghty 20 resigning or after? 21 A. I don't recall. He wasn't in the office 22 often. 23 Q. In your memory, was he ever in the office 24 when you were present prior to 25 Sheri Geraghty leaving Teupen in summer of</p>

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19 (73 to 76)

<p>73</p> <p>1 2019?</p> <p>2 <b>A. I don't recall.</b></p> <p>3 Q. You mentioned David Kesser being fired.</p> <p>4 Did any other employee other than</p> <p>5 Mr. Kesser and Ms. Geraghty leave the</p> <p>6 company for whatever reason around that same</p> <p>7 time period?</p> <p>8 <b>A. There was a lot of employees that were</b></p> <p>9 <b>either let go or had -- had left.</b></p> <p>10 Q. Do you recall their names?</p> <p>11 <b>A. If you have a list -- a list of the census</b></p> <p>12 <b>that I can see, then I can point out who</b></p> <p>13 <b>they are.</b></p> <p>14 Q. Do you recall if Tony Trainer left the</p> <p>15 company around that time?</p> <p>16 <b>A. Tony Trainer, yes, he was dismissed.</b></p> <p>17 Q. And do you recall if Ben Taft left the</p> <p>18 company around that time?</p> <p>19 <b>A. He was also dismissed.</b></p> <p>20 Q. Do you recall what Ben Taft's position at</p> <p>21 the company was when he was dismissed?</p> <p>22 <b>A. What his title was? I don't know what</b></p> <p>23 <b>you're asking.</b></p> <p>24 Q. Title or job function, either one.</p> <p>25 <b>A. Sales.</b></p>	<p>75</p> <p>1 they're -- they are all men, correct?</p> <p>2 <b>A. I'm sorry? I didn't understand the</b></p> <p>3 <b>question.</b></p> <p>4 Q. Mr. Kesser, Mr. Taft, and Mr. Trainer are</p> <p>5 all men, correct?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Do you know why any of those three were</p> <p>8 fired?</p> <p>9 <b>A. I believe I answered that question already.</b></p> <p>10 <b>I'm not sure.</b></p> <p>11 Q. What responsibilities or tasks did</p> <p>12 Mr. Borutta give to you, if any, related to</p> <p>13 Mr. Kesser being fired?</p> <p>14 <b>A. I don't recall.</b></p> <p>15 Q. What task, if any, did Mr. Borutta give to</p> <p>16 you regarding Mr. Trainer being fired?</p> <p>17 <b>A. Sending out the mail -- the -- the</b></p> <p>18 <b>termination via letter postal mail.</b></p> <p>19 Q. Any other task that you were asked to do by</p> <p>20 Mr. Borutta regarding Mr. Trainer?</p> <p>21 <b>A. I'm sure there was a lot that I cannot</b></p> <p>22 <b>recall at this time.</b></p> <p>23 Q. Same questions regarding Mr. Taft, were</p> <p>24 there any tasks that Mr. Borutta gave to you</p> <p>25 to do regarding Mr. Taft's separation from</p>
<p>74</p> <p>1 Q. What was Tony Trainer's role at the company</p> <p>2 when he was dismissed?</p> <p>3 <b>A. Sales.</b></p> <p>4 Q. Do you know why Mr. Kesser was fired?</p> <p>5 <b>A. Honestly, I don't know. I know -- I</b></p> <p>6 <b>don't -- I don't know.</b></p> <p>7 Q. Do you know why --</p> <p>8 <b>A. I don't recall.</b></p> <p>9 Q. Do you know why Mr. Taft was fired?</p> <p>10 <b>A. No, I don't. I don't recall.</b></p> <p>11 Q. Do you know why Mr. Trainer was fired?</p> <p>12 <b>A. No, I don't.</b></p> <p>13 Q. Do you know who fired Mr. Kesser,</p> <p>14 Mr. Trainer, and Mr. Taft?</p> <p>15 <b>A. Martin did.</b></p> <p>16 Q. Do you know what -- is Mr. Kesser white?</p> <p>17 <b>A. He appeared to be. I'm not sure what his</b></p> <p>18 <b>origin is.</b></p> <p>19 Q. Is Mr. Taft white?</p> <p>20 <b>A. Again, I'm not aware of his origin.</b></p> <p>21 Q. And is Mr. Trainer white?</p> <p>22 <b>A. Martin should know.</b></p> <p>23 Q. I'm asking you.</p> <p>24 <b>A. I don't know their origin.</b></p> <p>25 Q. And Mr. Kesser, Mr. Taft, and Mr. Trainer,</p>	<p>76</p> <p>1 employment?</p> <p>2 <b>A. Mail out the letter, contact Insperity to</b></p> <p>3 <b>find out when was the actual date of</b></p> <p>4 <b>termination, when -- when was his -- when</b></p> <p>5 <b>did his benefits end. I mean, it was just</b></p> <p>6 <b>an ongoing -- it was actually lengthy for</b></p> <p>7 <b>Ben Taft, is what I recall.</b></p> <p>8 Q. When -- were those tasks given when Mr. Taft</p> <p>9 was fired, or --</p> <p>10 <b>A. I can't hear you, sir. I missed your first</b></p> <p>11 <b>part.</b></p> <p>12 Q. Sorry. Were those tasks given to you when</p> <p>13 Mr. Taft was fired or at a later date?</p> <p>14 <b>A. In the transition.</b></p> <p>15 Q. So would that be around the time that</p> <p>16 Mr. Taft was fired?</p> <p>17 <b>A. I mailed the letter. I remember that.</b></p> <p>18 Q. Do you recall how you mailed it?</p> <p>19 Was it regular mail or certified</p> <p>20 mail?</p> <p>21 <b>A. Certified mail.</b></p> <p>22 Q. Did Mr. Borutta ask you to send it via</p> <p>23 certified mail?</p> <p>24 <b>A. Yes.</b></p> <p>25 Q. Did Mr. Borutta ask you to do anything with</p>

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20 (77 to 80)

<p>77</p> <p>1 respect to Mr. Taft as regarding Insperity?</p> <p>2 MS. GESSNER: Object to form.</p> <p>3 BY MR. KLASS:</p> <p>4 Q. You can answer.</p> <p>5 <b>A. I don't understand the question.</b></p> <p>6 Q. Did Mr. Borutta ask you to do anything with</p> <p>7 respect to Insperity as it related to</p> <p>8 Mr. Taft's termination?</p> <p>9 <b>A. Yes.</b></p> <p>10 MS. GESSNER: Object to form.</p> <p>11 BY MR. KLASS:</p> <p>12 Q. What did he ask you to do?</p> <p>13 <b>A. I don't recall. He just didn't have access</b></p> <p>14 <b>to Insperity, because he was never -- he</b></p> <p>15 <b>didn't have access to a lot of stuff.</b></p> <p>16 <b>Since he resumed a CEO position</b></p> <p>17 <b>during that time, he was limited in what he</b></p> <p>18 <b>could do. So at that point, I had to try to</b></p> <p>19 <b>get him access to Insperity. So, for the</b></p> <p>20 <b>most part, I -- I did what he asked.</b></p> <p>21 Q. Did he ask you to provide him access to</p> <p>22 Teupen's Insperity account?</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. Did he ask you to contact Insperity</p> <p>25 regarding Ben Taft's termination of</p>	<p>79</p> <p>1 <b>let go.</b></p> <p>2 Q. How did you communicate to Insperity</p> <p>3 regarding those three employees' separations</p> <p>4 of employment; Mr. Trainer, Mr. Kesser, and</p> <p>5 Mr. Taft?</p> <p>6 <b>A. Via e-mail.</b></p> <p>7 Q. What did -- prior to that, had you ever</p> <p>8 worked with Insperity before?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Do you know who at Teupen was the</p> <p>11 point-of-contact for Insperity?</p> <p>12 <b>A. No.</b></p> <p>13 Q. How did you know that Insperity existed as</p> <p>14 it related to Teupen?</p> <p>15 <b>A. Because it's who gave us our paychecks,</b></p> <p>16 <b>who's -- they're the ones who've done our</b></p> <p>17 <b>payroll. They're our HR contact</b></p> <p>18 <b>representative.</b></p> <p>19 Q. How did you know who to contact at Insperity</p> <p>20 regarding those three individuals'</p> <p>21 separation from employment?</p> <p>22 <b>A. I just answered that question. I think you</b></p> <p>23 <b>said, Did I know who to call? I didn't know</b></p> <p>24 <b>who to call. I called the 800-number, I</b></p> <p>25 <b>believe, or sent an e-mail. We had one</b></p>
<p>78</p> <p>1 employment?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. What did he say specifically?</p> <p>4 <b>A. I don't recall. He was not at the -- at the</b></p> <p>5 <b>office as often, so I had the assigned</b></p> <p>6 <b>attorney, Parker Poe, reaching out to me for</b></p> <p>7 <b>answers, and I did what I could at that</b></p> <p>8 <b>time.</b></p> <p>9 Q. Do you recall when Parker Poe became</p> <p>10 involved with Ben Taft and his separation of</p> <p>11 employment?</p> <p>12 <b>A. I don't recall.</b></p> <p>13 Q. Was it the same month Mr. Taft was separated</p> <p>14 from employment, or was it sometime after</p> <p>15 that?</p> <p>16 <b>A. I don't recall.</b></p> <p>17 Q. When Mr. Trainer and Mr. Kesser were</p> <p>18 separated from employment, were -- did</p> <p>19 Mr. Borutta give you any instructions</p> <p>20 related to Insperity for those separations?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. And what did he say to you about those</p> <p>23 separations and what to do regarding</p> <p>24 Insperity?</p> <p>25 <b>A. I had to let them know that they were being</b></p>	<p>80</p> <p>1 <b>person who we would contact in regards to</b></p> <p>2 <b>payroll. So, I think that was like my</b></p> <p>3 <b>direct connect at that time.</b></p> <p>4 Q. Do you know that person's name at Insperity?</p> <p>5 <b>A. I don't recall.</b></p> <p>6 Q. If you didn't have any role -- strike that.</p> <p>7 How did you -- how did you know</p> <p>8 what that person's name was prior to then?</p> <p>9 <b>A. Sheri shared that with me.</b></p> <p>10 Q. Did Sheri give you that person's e-mail</p> <p>11 address?</p> <p>12 <b>A. I believe so.</b></p> <p>13 Q. Did Sheri tell you what to do or how to</p> <p>14 communicate or if to communicate with</p> <p>15 Insperity when an employee was separated</p> <p>16 from employment with Teupen?</p> <p>17 <b>A. No.</b></p> <p>18 Q. Did you have any understanding at that time</p> <p>19 as to what Mr. Borutta knew -- knew about</p> <p>20 Insperity's involvement with Teupen at the</p> <p>21 time?</p> <p>22 <b>A. I don't know. I don't understand your</b></p> <p>23 <b>question. I don't know.</b></p> <p>24 Q. Did you have any sense at the time those</p> <p>25 three individuals were separated from</p>

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21 (81 to 84)

<p>81</p> <p>1 employment as to the extent of Mr. Borutta's 2 knowledge related to Insuperity's role and 3 assistance for Teupen? 4 <b>A. I -- I don't understand your question.</b> 5 Q. Do you know what Mr. Borutta knew about 6 Teupen's relationship with Insuperity at the 7 time these three people were fired from 8 Teupen? 9 <b>A. No.</b> 10 Q. Okay. Prior to contacting Insuperity 11 regarding any of these three people's 12 separations from employment with Teupen, had 13 you ever communicated with Insuperity in the 14 past regarding any other employee's 15 separation of employment with Teupen? 16 <b>A. No.</b> 17 Q. Do you know what the process was that Teupen 18 had in place for contacting Insuperity when 19 an employee left -- 20 <b>A. No.</b> 21 Q. -- Teupen's employment? 22 Did Mr. Borutta ever tell you when 23 to contact Insuperity regarding any of those 24 three employees, Mr. Taft, Mr. Kesser, or 25 Mr. Trainer's, separation from employment?</p>	<p>83</p> <p>1 <b>A. I don't recall.</b> 2 Q. Did you ever have a conversation around that 3 time with Mr. Borutta regarding what your 4 job duties would be going forward? 5 <b>A. No.</b> 6 Q. Did you ever have a discussion with 7 Mr. Borutta regarding a pay increase for 8 yourself after Ms. Geraghty resigned? 9 <b>A. Yes.</b> 10 Q. What do you recall was said in that 11 discussion? 12 <b>A. It's hard to say. We never really had a</b> 13 <b>meeting longer than ten minutes. It was</b> 14 <b>just whenever I could catch him during his</b> 15 <b>spare time. He was always in and out.</b> 16 Q. Do -- do you specifically recall having a 17 meeting with Mr. Borutta -- meeting or 18 discussion in person -- regarding a raise 19 for you around the time that the other 20 employees left? 21 <b>A. Yes.</b> 22 Q. And who brought up the discussion -- the 23 topic of a raise; was it you or him? 24 <b>A. I don't recall.</b> 25 Q. Do you recall asking Mr. Borutta for a</p>
<p>82</p> <p>1 <b>A. I don't recall.</b> 2 Q. Did you have an in-person meeting or 3 meetings with Mr. Borutta during that 4 transition period in summer of 2019? 5 <b>A. What time period are you referring to;</b> 6 <b>before Sheri or after Sheri?</b> 7 Q. Well, let's start with before Sheri. 8 Before Sheri resigned, did you have 9 any in-person meetings with Mr. Borutta? 10 <b>A. No.</b> 11 Q. Immediately after Ms. Geraghty resigned, and 12 around the time that Mr. Taft, Mr. Trainer, 13 and Mr. Kesser were fired, did you have any 14 meetings with Mr. Borutta? 15 <b>A. Yes.</b> 16 Q. Do you recall when the first meeting was? 17 <b>A. No.</b> 18 Q. Do you recall how many meetings you had in 19 person with Mr. Borutta at that time? 20 <b>A. No.</b> 21 Q. Did you have more than one meeting with 22 Mr. Borutta around that time? 23 <b>A. Yes.</b> 24 Q. Did Mr. Borutta ever tell you why he fired 25 Mr. Taft, Mr. Trainer, or Mr. Kesser?</p>	<p>84</p> <p>1 raise? 2 <b>A. It's the same question.</b> 3 Q. You don't recall if you asked 4 Mr. Borutta for -- 5 <b>A. I mean, we just --</b> 6 Q. -- a raise? 7 <b>A. We had a discussion, I mean, maybe five, ten</b> 8 <b>minutes out in the open, perhaps that</b> 9 <b>everyone heard. It wasn't a, Let's sit down</b> 10 <b>and talk about what your duties will be.</b> 11 <b>It was like a two-minute</b> 12 <b>possibility of increasing my pay, because it</b> 13 <b>was evident that I took on more roles than</b> 14 <b>what my responsibilities initially was.</b> 15 Q. And you had that discussion about your pay 16 after a discussion that you had with Mr. 17 Borutta about what your duties would be 18 going forward? 19 <b>A. That -- you totally confused me with that.</b> 20 <b>Can you please repeat it.</b> 21 Q. I'm just trying to find out what your 22 communications were with Mr. Borutta around 23 this time and sort of the timing and 24 sequence of those. 25 So, did you -- did you have a</p>

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22 (85 to 88)

<p>85</p> <p>1 discussion with Mr. Borutta about additional 2 or different job duties when Sheri Geraghty 3 left and Mr. Kesser was fired, along with 4 Mr. Trainer and Mr. Taft?</p> <p>5 <b>A. I recall having a -- a discussion about</b> 6 <b>taking on additional responsibility because</b> 7 <b>of what Sheri showed me, but that was it.</b></p> <p>8 Q. What do you mean "because of what Sheri 9 showed you"?</p> <p>10 <b>A. I only had two weeks to train with Sheri.</b> 11 <b>In two weeks, it was too much to learn. She</b> 12 <b>was the VP of finance. She had multiple</b> 13 <b>roles there, which included HR, payroll,</b> 14 <b>finance, reportings directly to Germany.</b> 15 <b>Like, she did a -- above and</b> 16 <b>beyond. And two weeks of training with</b> 17 <b>Sheri, it was just impossible for me to</b> 18 <b>learn so much.</b></p> <p>19 Q. That training, did that happen after 20 Ms. Geraghty left the company or before?</p> <p>21 <b>A. It was before she left, when she put in</b> 22 <b>her -- her resignation.</b></p> <p>23 Q. Did she put in her resignation with, like, a 24 two-week notice or a four-week notice or 25 something like that?</p>	<p>87</p> <p>1 Q. So when you took on those additional duties, 2 your belief was that was going to be on an 3 interim basis until Martin hired a 4 replacement for Sheri Geraghty?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And at some point, did that -- did your 7 understanding change as to whether there 8 would be a replacement hire?</p> <p>9 <b>A. Martin never talked to me about who was</b> 10 <b>coming in or not. There was a lot of</b> 11 <b>transition going on. There were people</b> 12 <b>being let go. He was bringing on new</b> 13 <b>people.</b></p> <p>14 <b>So, I didn't know what my position</b> 15 <b>was. And as an accountant, I just kept</b> 16 <b>doing to the best of my ability, handled the</b> 17 <b>tasks that came when it arised.</b></p> <p>18 Q. Did you -- did the discussion of a pay 19 increase for you with Martin Borutta come up 20 while you thought that you were covering 21 Sheri's duties on an interim basis or on a 22 permanent basis?</p> <p>23 <b>A. I don't understand your question.</b></p> <p>24 Q. So you said before that, initially, your 25 understanding was that you would be covering</p>
<p>86</p> <p>1 <b>A. I don't recall.</b></p> <p>2 Q. Who told you that you were going to have 3 increased responsibilities when Sheri left?</p> <p>4 <b>A. She told me. She said, because they were in</b> 5 <b>the midst of hiring someone else to take</b> 6 <b>Sheri's position. And she -- she kept</b> 7 <b>asking -- I remember her telling me that --</b> 8 <b>that Martin was in the process of hiring</b> 9 <b>someone else. He was looking for even a</b> 10 <b>friend or someone to take her role.</b></p> <p>11 Q. That discussion you had with Sheri, was it 12 before you had any discussions with Martin?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And was that discussion -- well, strike 15 that.</p> <p>16 <b>Why were you being trained to</b> 17 <b>complete Ms. Geraghty's job tasks if Martin</b> 18 <b>was looking for a replacement for her?</b></p> <p>19 <b>A. I recall her sharing with me that they still</b> 20 <b>didn't have somebody. And because she</b> 21 <b>cared, as a financial person, how -- what</b> 22 <b>was going to happen after she left, she</b> 23 <b>wanted to make sure that I knew some of her</b> 24 <b>responsibilities so I can help in the</b> 25 <b>interim.</b></p>	<p>88</p> <p>1 Ms. Sheri -- Ms. -- Ms. Geraghty's duties on 2 a temporary basis while Martin found a 3 replacement for her.</p> <p>4 <b>Is that right?</b></p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Okay. And then at some point, you had a 7 discussion with Martin Borutta about a 8 salary increase for you.</p> <p>9 <b>Is that right?</b></p> <p>10 <b>A. Yes.</b></p> <p>11 Q. So when you had that discussion with 12 Mr. Borutta about the salary increase, did 13 you still think that you would only be 14 taking on those job duties of Ms. Geraghty's 15 on an interim basis until Mr. Borutta found 16 a replacement for her?</p> <p>17 <b>A. At the time, we believed that I was learning</b> 18 <b>enough to be able to handle the role, so he</b> 19 <b>granted my increase in pay. And I said, I</b> 20 <b>may need to continue to use Sheri Geraghty</b> 21 <b>from time to time to help me along the way.</b> 22 <b>But Sheri wanted some money to</b> 23 <b>continue to train me or to work as a per</b> 24 <b>diem person, and Martin did not want to pay</b> 25 <b>her.</b></p>

<p>89</p> <p>1 Q. So when you had the discussion about your 2 salary increase with Martin, you said he 3 granted the pay increase. 4 Does that mean that you requested 5 it? 6 <b>A. We had mentioned it. I don't recall when it 7 was mentioned, but I -- I took an 8 opportunity that I had, five minutes or less 9 of his time, to ask him for an increase in 10 pay, because I was doing more than what my 11 pay covered during the time.</b> 12 Q. Do you recall -- 13 <b>A. I was fulfilling many roles.</b> 14 Q. Do you recall what salary amount you 15 requested? 16 <b>A. I believe it was about 80 or maybe 75.</b> 17 Q. Do you think you requested -- 18 <b>A. I cannot hear you, Mr. Klass.</b> 19 Q. I'm sorry. Do you think you requested 20 \$84,000? 21 <b>A. I don't recall how much it was.</b> 22 Q. Do you recall what you were making at the 23 time prior to the salary increase? 24 <b>A. I think I believe it was in the 60,000 25 range.</b></p>	<p>91</p> <p>1 <b>account manager key responsibilities while I 2 was working at Teupen. So I just want to 3 make sure that we all understand that.</b> 4 <b>So what you're presenting to me 5 right before me is an Accounting Manager Key 6 Responsibilities, but this is a combined 7 task that would include -- would include a 8 controller and a VP finance role.</b> 9 <b>So the additional responsibilities 10 that I had when Sheri left was mainly 11 compiling all the financial information and 12 sending it to Germany. I've never had to do 13 any reporting. I've never worked with the 14 budget while I was in Teupen prior to Sheri.</b> 15 <b>So I had to pick up and do 16 reconciliation. I've never done inventory 17 reconciliation. I've never done trade show 18 reconciliation, warranty accrual 19 reconciliation. Depreciation, I've never 20 done that either. So those are all the 21 additional tasks that I picked up when Sheri 22 left.</b> 23 <b>Let's see what else. Monthly sales 24 tax prep was also VP finance, so I resumed 25 that when Sheri left. Fixed asset register,</b></p>
<p>90</p> <p>1 Q. And after talking to Mr. Borutta, did you 2 get a salary increase? 3 <b>A. I did.</b> 4 Q. And was that to \$72,000 per year? 5 <b>A. I'm sorry?</b> 6 Q. Was that to \$72,000 per year? 7 <b>A. Yes.</b> 8 Q. What were the additional job functions that 9 you took on when you started performing 10 Sheri Geraghty's role? 11 <b>A. Well, if you bring that document over again, 12 where it said, Accounting Manager, there 13 were additional responsibilities that a 14 controller did, and -- and I can tell you 15 from -- from there what were the additional 16 responsibilities.</b> 17 Q. Okay. So I'm sharing that document, and it 18 is, Job Title, Accounting Manager, at the 19 top. It's two pages, and it starts at 20 1 Teupen0001 [sic] and goes until 2. 21 So looking at the Key 22 Responsibilities section, what were the job 23 duties that you took on after Sheri Geraghty 24 left? 25 <b>A. Okay. For the record, I've never seen this</b></p>	<p>92</p> <p>1 <b>again, I picked that up, and I had to learn 2 that along the way. Performing inventory 3 adjustments, I never had to do that, so -- 4 because we had a parts manager to do that, 5 who handled all of the adjustments. So that 6 was new for me.</b> 7 Q. Anything else on this document that -- 8 <b>A. Well, let me keep reading.</b> 9 Q. Okay. 10 <b>A. So I've never done the inventory 11 reconciliation, nor did I do prepay trade 12 show reconciliation or the warranty. I 13 think I mentioned this before. Didn't do 14 the depreciation.</b> 15 <b>I didn't do the warranty documents. 16 That was something new that I had to learn. 17 All the IT issues, I had to resume that as 18 well. Solving all the phone issues.</b> 19 <b>I think that about -- that resumes 20 [sic].</b> 21 Q. Okay. Thank you. And you said before that 22 Ms. Geraghty trained you for about two weeks 23 to -- how to perform her job tasks. 24 Is that right? 25 <b>A. She showed me whatever she could within a</b></p>

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24 (93 to 96)

<p>93</p> <p>1 <b>two-weeks time frame. It was a lot to take</b> 2 <b>on.</b> 3 Q. And you believe that was before she left 4 employment? 5 <b>A. I -- I didn't hear you, the first part. You</b> 6 <b>keep going off the mic.</b> 7 Q. You believe that was before she left 8 employment with Teupen? 9 <b>A. Can you repeat the full question, please.</b> 10 Q. The training -- the two weeks of training 11 that she provided to you, was that while she 12 was still employed with Teupen or after? 13 <b>A. While she was still employed with Teupen.</b> 14 Q. That training that occurred, were 15 Mr. Kesser, Mr. Trainer, and Mr. Taft still 16 employed with Teupen at that point, or had 17 they been fired already? 18 <b>A. No, it was before they were fired.</b> 19 Q. Did Sheri Geraghty ever train you or provide 20 assistance to you in how to perform her 21 former job duties after she left employment 22 with Teupen? 23 <b>A. I mean, she tried to make herself available</b> 24 <b>by phone, but she already had another job,</b> 25 <b>so it's -- it was very limited.</b></p>	<p>95</p> <p>1 take a lunch break, and we'd request that 2 that lunch break be at 12:45 and for 45 3 minutes. 4 Any objection to that? 5 MR. KLASS: No objection. 6 MS. GESSNER: Okay. Thank you. 7 BY MR. KLASS: 8 Q. So I'll repeat the question. 9 Ms. Acevedo, did you ever have a 10 conversation with Mr. Borutta that the 11 additional job duties that you were taking 12 on from Sheri Geraghty would be done on a 13 permanent basis as opposed to an interim 14 basis? 15 <b>A. I don't recall.</b> 16 Q. When Mr. Kesser, Mr. Taft, and Mr. Trainer 17 were fired, and Ms. Geraghty resigned, who 18 were the most senior people at Teupen who 19 were left at that time? 20 <b>A. Most senior in what sense? Is it like</b> 21 <b>seniority, how long they've been there, or</b> 22 <b>executive? Can you elaborate.</b> 23 Q. Executive, in terms of hierarchy in the 24 company. 25 <b>A. So repeat the question again.</b></p>
<p>94</p> <p>1 Q. Did she ever come to Teupen's offices after 2 she left employment to assist you or train 3 you or answer questions? 4 <b>A. Maybe one time. Can we take a break?</b> 5 Q. Okay. Ten minutes? 6 <b>A. Thank you. Yes.</b> 7 Q. Okay. 8 THE VIDEOGRAPHER: We're going off 9 the record. The time is 10:44 Central. 10 (Break taken.) 11 THE VIDEOGRAPHER: Going back on 12 the record, the time is 10:56 Central. 13 BY MR. KLASS: 14 Q. Ms. Acevedo, did you ever have a 15 conversation with Martin Borutta that your 16 additional job tasks that you took over from 17 Sheri Geraghty would be done so on a 18 permanent basis? 19 MS. GESSNER: Well, Counsel, just a 20 second, before you get in and -- and maybe 21 we'll have to get the court reporter to read 22 that question back, unless you want to 23 repeat it. 24 I just want to make sure that 25 we -- it's 12:00 now, 11:56 -- that we do</p>	<p>96</p> <p>1 Q. When the four people I just mentioned, 2 Mr. Trainer, Taft, Kesser, and Ms. Geraghty 3 left, who were the most senior in terms of 4 hierarchy people left at Teupen? 5 MS. GESSNER: Object to form. As 6 Counsel's well aware, Plaintiff has asked 7 for an org chart repeatedly. The Court has 8 ordered the production of an org chart to 9 show hierarchy, and the Defendant has 10 refused to produce it. 11 BY MR. KLASS: 12 Q. Ms. Acevedo, you can answer the question. 13 <b>A. No one.</b> 14 Q. After Ms. Geraghty left and the other three 15 people were fired, who did you report to? 16 <b>A. Martin.</b> 17 Q. Do you know if Martin had any other direct 18 reports at that time? 19 <b>A. I don't understand the question.</b> 20 <b>Who did Martin report to?</b> 21 Q. Who reported directly to Martin other than 22 you? 23 <b>A. I guess everyone there. He was the only</b> 24 <b>seniority -- the only person that was</b> 25 <b>calling the shots.</b></p>

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25 (97 to 100)

<p>97</p> <p>1 Q. Do you know who Patrick Blackburn is?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. What -- what was his job at the time?</p> <p>4 <b>A. He worked in sales.</b></p> <p>5 Q. Do you know what his job title was?</p> <p>6 <b>A. Manager, sales manager.</b></p> <p>7 Q. Give me a moment. I'm going to share a</p> <p>8 document.</p> <p>9 Do you recognize this document,</p> <p>10 Ms. Acevedo?</p> <p>11 <b>A. It looks like a chain.</b></p> <p>12 Q. Do you see in the upper right-hand corner,</p> <p>13 it says, Acevedo, followed by four zeroes</p> <p>14 and then 25?</p> <p>15 <b>A. Mm-hmm, yes.</b></p> <p>16 Q. And I'll represent to you that your attorney</p> <p>17 produced this to us in discovery.</p> <p>18 Do you -- do you have this document</p> <p>19 in your personal possession?</p> <p>20 <b>A. No.</b></p> <p>21 Q. Did you ever provide this document to your</p> <p>22 attorney?</p> <p>23 <b>A. Could be.</b></p> <p>24 Q. Do you remember if you did?</p> <p>25 <b>A. If -- if it has "Acevedo," then she -- yes,</b></p>	<p>99</p> <p>1 Q. Andreas Liebl --</p> <p>2 MS. GESSNER: Wait -- wait a</p> <p>3 minute, let me get my objection in. Object</p> <p>4 to form. This witness is not a Teupen</p> <p>5 30(b)(6) witness.</p> <p>6 BY MR. KLASS:</p> <p>7 Q. So, Ms. -- Ms. Acevedo, you asked which</p> <p>8 individuals, and I was going to say</p> <p>9 Andreas Liebl and Geraldine Molyn.</p> <p>10 Would this document apply after</p> <p>11 those two people began employment with</p> <p>12 Teupen?</p> <p>13 MS. GESSNER: Same objection.</p> <p>14 THE WITNESS: I'm sorry, I'm</p> <p>15 confused. I don't even know what's the</p> <p>16 question.</p> <p>17 BY MR. KLASS:</p> <p>18 Q. Okay. Who is Andreas S. Liebl, as -- as he</p> <p>19 relates to Teupen?</p> <p>20 <b>A. An employee.</b></p> <p>21 Q. Do you recall when he was hired?</p> <p>22 <b>A. I don't have a date, no.</b></p> <p>23 Q. In terms of the time frame we were talking</p> <p>24 about a few minutes ago regarding when --</p> <p>25 was it before or after Sheri Geraghty and</p>
<p>98</p> <p>1 <b>I provided it to her.</b></p> <p>2 Q. Do you know how you came in possession of</p> <p>3 this document?</p> <p>4 <b>A. I think it was hand-delivered or laying on</b></p> <p>5 <b>my desk one time when I went to work.</b></p> <p>6 Q. If you review this document, is the</p> <p>7 structure of this document accurate?</p> <p>8 And by "structure," I mean,</p> <p>9 reporting structure.</p> <p>10 <b>A. Yes, everybody reported to Martin.</b></p> <p>11 Q. And do you see a box on this document with</p> <p>12 Operations Management, and then underneath,</p> <p>13 Andreas S. Liebl, or Liebl?</p> <p>14 <b>A. Um-hmm, yes.</b></p> <p>15 Q. And do you see below him, on -- to the lower</p> <p>16 right, under Parts, it has Geraldine Molyn?</p> <p>17 Do you see that?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. So is it fair to say that this</p> <p>20 organizational structure applied to Teupen</p> <p>21 after those two individuals began working</p> <p>22 for the company?</p> <p>23 <b>A. I'm sorry, after what individuals?</b></p> <p>24 MS. GESSNER: Object to form.</p> <p>25 BY MR. KLASS:</p>	<p>100</p> <p>1 those other three individuals left the</p> <p>2 company?</p> <p>3 <b>A. Again, I don't have a recollection of the</b></p> <p>4 <b>dates, but I know for sure it was after</b></p> <p>5 <b>Sheri.</b></p> <p>6 Q. Do you recall how long after Sheri left</p> <p>7 Mr. Liebl started working at Teupen?</p> <p>8 <b>A. I don't recall specific dates.</b></p> <p>9 Q. Was it in the summer of 2019?</p> <p>10 <b>A. Well, when is the end of the summer?</b></p> <p>11 Q. However you would define it.</p> <p>12 <b>A. Any specificity, I don't -- can't assume</b></p> <p>13 <b>what you're asking me.</b></p> <p>14 Q. Was it before Labor Day 2019?</p> <p>15 <b>A. I don't recall.</b></p> <p>16 Q. Do you know what his job position was when</p> <p>17 he was hired at Teupen?</p> <p>18 <b>A. I don't remember the title.</b></p> <p>19 Q. Aside from title, do you remember what his</p> <p>20 job duties were?</p> <p>21 <b>A. I mean, he was managing parts and</b></p> <p>22 <b>maintenance.</b></p> <p>23 Q. Was he the operations manager?</p> <p>24 <b>A. If that's what you want to refer it to.</b></p> <p>25 Q. Well, I'm asking you.</p>

<p>101</p> <p>1 <b>A. I don't know. I don't have -- I don't</b> 2 <b>recall the title.</b> 3 Q. Who did you report to at Teupen from the 4 time you took over Sheri Geraghty's 5 responsibilities until the time you were 6 discharged from Teupen? 7 <b>A. Martin.</b> 8 Q. Did you report to Andy Liebl? 9 <b>A. No, I reported to Martin, just like the</b> 10 <b>chain-of-command you just showed me.</b> 11 Q. Did you have to interact with Andy Liebl in 12 your role after you took on Sheri Geraghty's 13 responsibilities? 14 <b>A. Yes, I had interactions with -- with</b> 15 <b>Andreas.</b> 16 Q. Did he go by Andreas or Andy, or what -- 17 what name did he go by? 18 <b>A. I have no idea. His name is Andreas.</b> 19 Q. What did you call him? 20 <b>A. Andrea [sic], Andy.</b> 21 Q. And what -- what sort of job functions of 22 yours required communicating with -- with 23 Andy Liebl? 24 <b>A. Well, he held a company corporate card, so I</b> 25 <b>had to code all the charges from everyone</b></p>	<p>103</p> <p>1 <b>A. For ordering purposes. We want to make sure</b> 2 <b>that the company's money is being used for</b> 3 <b>company expenses.</b> 4 Q. Were there any other reasons why you had to 5 interact with Andy Liebl other than the fact 6 that he had a company credit card, and you 7 needed to have his transactions coded 8 accurately? 9 <b>A. No, I was the accountant, the accounting</b> 10 <b>person, so I needed to -- that was</b> 11 <b>my -- that was our communication on the</b> 12 <b>regular.</b> 13 Q. Did you have any other regular 14 communications about other job functions you 15 had or that he had that required you two to 16 interact with each other? 17 <b>A. I mean, he had to, I mean, approve everyone</b> 18 <b>else's credit cards. So everyone underneath</b> 19 <b>him had to report to him. So he ultimately</b> 20 <b>had to ensure that everyone did their</b> 21 <b>accounting work, so that when it comes to my</b> 22 <b>hands, it will be easier for me to handle.</b> 23 <b>But since -- you know, anything</b> 24 <b>related to parts or maintenance or, you</b> 25 <b>know, anything, would have to be brought up</b></p>
<p>102</p> <p>1 <b>who held a company card -- a corporate card,</b> 2 <b>credit card. So that was my responsibility</b> 3 <b>to ensure that everything was coded in a</b> 4 <b>timely basis, so that we can pay the card.</b> 5 Q. So in your role, you had responsibility over 6 accounting for the company's credit cards. 7 Am I understanding that right? 8 <b>A. Yes.</b> 9 Q. And when you talk about "coding" or "coding 10 transactions," what do you mean by that? 11 <b>A. It's an accounting terminology.</b> 12 <b>Are you familiar with accounting</b> 13 <b>terminology?</b> 14 Q. I am not. So if you could explain to me 15 what you mean by "coding the transactions," 16 that would be helpful. 17 <b>A. Coding, so -- I mean, there's different</b> 18 <b>codes. If you're -- if you're fixing</b> 19 <b>anything that has to do with a car, it will</b> 20 <b>go against maintenance for car. If you</b> 21 <b>purchase something for the office, pen,</b> 22 <b>pencil, paper, it will be coded as office</b> 23 <b>supplies, and so on and so forth.</b> 24 Q. And when you do the coding, what sort of 25 documents is the coding required for?</p>	<p>104</p> <p>1 <b>to him, because he was the manager of</b> 2 <b>everyone else in those departments.</b> 3 Q. So your -- your main interactions with him 4 were related to ensuring that the credit 5 card purchases were coded accurately. 6 Is that right, or am I getting it 7 wrong? 8 <b>A. I just explained myself. So I don't know if</b> 9 <b>this is a trick question, but I -- you'll</b> 10 <b>have to make me understand what you're</b> 11 <b>asking again. I don't know.</b> 12 Q. Are there any other reasons you needed to 13 talk to Mr. Liebl on a day-to-day basis 14 related to you performing your job 15 functions? 16 <b>A. If I wasn't given other work from other</b> 17 <b>departments, then I would have to talk to</b> 18 <b>him about it. For example, if there was any</b> 19 <b>invoices or issues with invoices for the</b> 20 <b>parts, since he was the manager of the parts</b> 21 <b>department, then I would have to have that</b> 22 <b>discussion with him.</b> 23 Q. Did you work out of an office for Teupen? 24 <b>A. Yes.</b> 25 Q. How big is that office area?</p>

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27 (105 to 108)

<p>105</p> <p>1 And I don't mean your specific 2 office, but, I mean, Teupen's office space. 3 <b>A. You got cut off in the beginning. Can you</b> 4 <b>repeat the question, please.</b> 5 Q. How big is Teupen's office space where you 6 worked? 7 <b>A. I'm not sure what the measurements are, but</b> 8 <b>Martin should know.</b> 9 Q. How many -- did you have cubicles or 10 separate offices? 11 <b>A. There were separate offices.</b> 12 Q. Do you recall approximately how many 13 separate offices there were? 14 <b>A. I mean, if we -- if we can picture how many</b> 15 <b>departments there were, then we will be able</b> 16 <b>to tell. There was a parts manager</b> 17 <b>department; there's sales department;</b> 18 <b>accounting department; president's office,</b> 19 <b>or CEO; CFO office; maintenance. I'm not</b> 20 <b>sure if I mentioned that already.</b> 21 And then there was a parts 22 department in the back -- I'm sorry -- yeah, 23 parts/maintenance, so there was an office 24 back there as well in the warehouse. 25 So...</p>	<p>107</p> <p>1 <b>A. Yes. Yes, he was hired before her.</b> 2 Q. Okay. And what did you -- how did you call 3 Geraldine Molyn when you worked there? 4 <b>A. By her name.</b> 5 Q. You called her Geraldine or -- 6 <b>A. Yes.</b> 7 Q. -- Gerri? 8 <b>A. Both.</b> 9 Q. I'm -- I'm sorry. Both. 10 What was her position? 11 <b>A. Based on the chain-of-command that you just</b> 12 <b>showed me, I think it said parts.</b> 13 Q. Well, based on your memory and your 14 interactions with her, what -- what did you 15 understand her job duties or job role to be? 16 <b>A. My understanding was a parts manager,</b> 17 <b>because she replaced someone else who was</b> 18 <b>fired before she came in.</b> 19 Q. Do you know who she replaced? 20 <b>A. Misty Goins (phonetic).</b> 21 Q. Do you know why she was -- was she fired, 22 Misty Goins? 23 <b>A. Yes, she was.</b> 24 Q. Do you know why? 25 <b>A. My -- no.</b></p>
<p>106</p> <p>1 Q. What was the layout of the office? Were all 2 these offices off of, like, a central 3 hallway, or was there a common area in the 4 middle? How old you describe the layout? 5 <b>A. The offices were, like, around the sides of</b> 6 <b>the building. They all -- most of them had</b> 7 <b>windows, so they were, like, on the outside.</b> 8 <b>And then we had a kitchen and a conference</b> 9 <b>room in the middle called common area.</b> 10 Q. Where was your office in relation to 11 Mr. Liebl's office? 12 <b>A. Across -- I don't know how many feet. On</b> 13 <b>the other side of the building, I should</b> 14 <b>say.</b> 15 Q. Was Mr. Liebl hired before Gerri Molyn? 16 <b>A. I think you asked me this before, and I did</b> 17 <b>say he came after Sheri.</b> 18 Oh, I'm sorry. Can you repeat the 19 question again. 20 Q. Sorry. I know Gerri and Sheri sound 21 similar, but it -- 22 <b>A. Yeah.</b> 23 Q. -- was Mr. Liebl hired before Gerri Molyn? 24 <b>A. Geraldine.</b> 25 Q. Geraldine.</p>	<p>108</p> <p>1 Q. Do you know who fired her? 2 <b>A. Andy.</b> 3 Q. How do you know that? 4 <b>A. Because he's in charge of the parts</b> 5 <b>department.</b> 6 Q. Did anyone tell you that Andy fired -- fired 7 Misty, or is that your assumption because he 8 was her supervisor? 9 <b>A. No, he had me draft the termination --</b> 10 <b>termination letter for her, because he</b> 11 <b>wanted to bring his friend Geraldine to work</b> 12 <b>in the company.</b> 13 Q. What is Misty Goins' national origin or 14 race? Do you know that? 15 <b>A. No, I don't know that.</b> 16 Q. Did you understand her to be Hispanic or not 17 Hispanic? 18 <b>A. I've never spoke to her in Spanish, so I</b> 19 <b>don't know.</b> 20 Q. Did you ever speak -- do you speak Spanish? 21 <b>A. I do.</b> 22 Q. Did you ever speak in Spanish in front of 23 Andy Liebl or Geraldine Molyn? 24 <b>A. I didn't have anyone else to talk to in</b> 25 <b>Spanish. So my demeanor and my integrity is</b></p>

<p>109</p> <p>1 to speak in a language that everyone</p> <p>2 understood.</p> <p>3 Q. Who did Gerri Molyn report to when she was</p> <p>4 hired?</p> <p>5 A. To Andy.</p> <p>6 Q. And did she have any job functions other</p> <p>7 than working for the parts department?</p> <p>8 A. I don't understand your question.</p> <p>9 Q. Did she have any job duties when she was</p> <p>10 hired other than doing work related to</p> <p>11 parts?</p> <p>12 A. No.</p> <p>13 Q. Did you have to work directly with her for</p> <p>14 any reason?</p> <p>15 A. Yes, anything to do with parts department,</p> <p>16 we billed -- those -- sales were based on</p> <p>17 also the parts that we sell to customers.</p> <p>18 So she handled the parts department, so we</p> <p>19 often had to talk about the parts</p> <p>20 department.</p> <p>21 Q. What sort of information would you need from</p> <p>22 her to do your job?</p> <p>23 A. Well, any sales orders needed to be</p> <p>24 processed by her and then given to me for</p> <p>25 accounts receivable purposes.</p>	<p>111</p> <p>1 Q. Did you learn ever that Mr. Liebl had known</p> <p>2 Mr. Borutta prior to his hiring at Teupen?</p> <p>3 A. Yes.</p> <p>4 Q. How did you learn that?</p> <p>5 A. Andy told me.</p> <p>6 Q. And what did he tell you?</p> <p>7 A. That he worked with Martin in the past.</p> <p>8 Q. Do you know if Martin also worked with</p> <p>9 Gerri Molyn in the past?</p> <p>10 A. I believe that was mentioned before; that</p> <p>11 they all worked together in the past.</p> <p>12 Q. In your Complaint in this case, you alleged</p> <p>13 that Mr. Liebl singled you out and treated</p> <p>14 you differently and harsher than co-workers</p> <p>15 who were not Hispanic and who were male.</p> <p>16 What do you mean by that?</p> <p>17 A. He was very arrogant towards me.</p> <p>18 Q. In what way?</p> <p>19 A. In the way he spoke. I mean, he</p> <p>20 disrespected me in speaking German often</p> <p>21 throughout the whole office. If I ever</p> <p>22 brought any issues about any parts</p> <p>23 department issue, you know, he just</p> <p>24 disregarded.</p> <p>25 Q. What -- when you say "he spoke German,"</p>
<p>110</p> <p>1 Q. Any other reason why you'd have to</p> <p>2 communicate with her to do your job?</p> <p>3 A. I mean, I often asked her if she could help</p> <p>4 me with getting Andy's credit card receipts,</p> <p>5 you know, together, so that I could complete</p> <p>6 my portion of the accounting responsibility.</p> <p>7 Q. Any other reason that you can recall that</p> <p>8 you would need to speak with Ms. Molyn in</p> <p>9 order to perform your job?</p> <p>10 A. I mean, we -- not to perform my job, but we</p> <p>11 had to work together. I mean, it's a small</p> <p>12 company. Everyone had to work together. So</p> <p>13 she came and ran the parts department.</p> <p>14 And so, she would have to run</p> <p>15 reports, and I recall working with her to</p> <p>16 try to work out in running reports, to get</p> <p>17 the inventory accurate. We even did an</p> <p>18 inventory count together.</p> <p>19 Q. You mentioned before that Mr. Liebl hired</p> <p>20 Ms. Molyn and that they were friends.</p> <p>21 How did you know they were friends?</p> <p>22 A. Because Andy told me.</p> <p>23 Q. Did he say how he knew her?</p> <p>24 A. Yes, they worked in another employer</p> <p>25 previous -- previous to that.</p>	<p>112</p> <p>1 could you elaborate on that --</p> <p>2 A. I'm sorry, I cannot hear you.</p> <p>3 Q. I --</p> <p>4 A. You're not speaking on the mic.</p> <p>5 Q. I'm sorry. When you say "he spoke German,"</p> <p>6 can you elaborate on that.</p> <p>7 Did he speak German to you?</p> <p>8 A. He spoke German throughout the whole office</p> <p>9 for most of the day. I don't know who --</p> <p>10 Q. Who was he speaking --</p> <p>11 A. -- he would speak to. I don't know. I'm</p> <p>12 not someone who would constantly ask who are</p> <p>13 they talking to either on the phone or -- or</p> <p>14 around, but...</p> <p>15 Q. Was there anyone other than Mr. Borutta and</p> <p>16 Mr. Liebl who spoke German in the office, to</p> <p>17 your knowledge?</p> <p>18 A. I have no idea. For the most part of my</p> <p>19 day, I maintained within my own office,</p> <p>20 because I was very busy handling accounting</p> <p>21 and above.</p> <p>22 Q. So when you heard Mr. Liebl speak German,</p> <p>23 was that when you were in your office, and</p> <p>24 he was outside of it somewhere, and you</p> <p>25 overheard him, or was it different?</p>

<p>113</p> <p>1 A. He would be on his mobile phone throughout 2 the day, most of the day. So, he would come 3 and go, walk into my office. If he has -- 4 if we were for some reason having a 5 discussion, he would pick up the call, he 6 would right in start the conversation in 7 German. So -- then he will walk around. I 8 mean, he was very loud.</p> <p>9 Q. How does he speaking German to people on the 10 phone relate to his treatment of you?</p> <p>11 A. There were times I felt he was talking about 12 me.</p> <p>13 Q. Do you know what he was talking to you 14 about?</p> <p>15 A. I don't understand --</p> <p>16 Q. I'll strike that. That was a bad --</p> <p>17 A. -- the German language.</p> <p>18 Q. That was a bad question. I'm sorry.</p> <p>19 Do you know what about you he was 20 talking about in German?</p> <p>21 A. I mean, we started off with a good 22 relationship when he first got hired. But I 23 felt like, at certain points, he started 24 retaliating against me, because I believe 25 that he just didn't like my approach, or he</p>	<p>115</p> <p>1 A. I mean, like I said, for the most part, we 2 didn't have any issues until after 3 retaliation. And I feel as, after he 4 started asking me to do certain -- or I 5 would ask him certain things, some 6 justification on his expenses and expense 7 report, or after he started asking me to cut 8 him checks, you know, and -- and mixing 9 personal and business, he didn't really like 10 that. So he just tried to -- started to 11 treat me differently.</p> <p>12 Q. Well, at this point, I'm just asking you 13 about him talking about you when he was 14 speaking German.</p> <p>15 And I'm just asking how you know or 16 why you think he was talking about you when 17 he was speaking German, if you don't speak 18 German and don't understand German?</p> <p>19 A. There were many occasions when he would 20 pause his German communication with whoever 21 on the phone and then speak to me, ask me a 22 question, and then go back to speaking in 23 German.</p> <p>24 So there was reason to believe, for 25 me, that there -- he was holding a</p>
<p>114</p> <p>1 didn't like me asking him for credit card 2 receipts or asking him questions about what 3 he felt he didn't want me to answer [sic]. 4 So I don't know what -- what made 5 him change, but he just -- maybe he just 6 couldn't accept working with someone -- a 7 female like myself and someone, you know, 8 that wasn't like him. I don't know.</p> <p>9 Q. Well, let me -- let me back up.</p> <p>10 When -- when you say he was 11 speaking German, and you thought he might 12 have been talking about you, first, you 13 don't speak German, right?</p> <p>14 A. No.</p> <p>15 Q. And you don't understand German, right?</p> <p>16 A. No.</p> <p>17 Q. So what made you think he was talking about 18 you when he was speaking German?</p> <p>19 A. Well, I mean, there's also body expressions.</p> <p>20 There's facial expressions. There's, you 21 know -- and laughing. And there's just 22 notions that you just could tell. You know, 23 it's -- it's from within deep your gut, 24 feeling that it's just something is off.</p> <p>25 Q. And that was based on your gut feeling?</p>	<p>116</p> <p>1 conversation that had to do with me in some 2 way, some form.</p> <p>3 Q. But you don't -- you don't really know that 4 for a fact, right?</p> <p>5 A. I don't know German.</p> <p>6 Q. You mentioned before that he disregarded -- 7 I -- I don't want to miss- -- misstate what 8 you said before -- but that he disregarded 9 you or requests from you.</p> <p>10 Can you elaborate on -- on what you 11 meant or what you said?</p> <p>12 A. Disregarded me in the sense of, like, 13 ignoring me or not providing what I've 14 requested at times, which making my job 15 uneasy and unable to finish for the 16 monthly -- for the monthly close.</p> <p>17 Q. So when you say ignoring things, are you 18 talking about the coding for his credit card 19 transactions?</p> <p>20 A. Yes, I'm talking about coding. I'm talking 21 about ignoring my e-mails; asking him to 22 complete his work, so that I can complete my 23 work; and e-mails about customer concerns or 24 parts return.</p> <p>25 There was many times that</p>

<p>117</p> <p>1 I -- we've had e-mails going -- that I've 2 asked him for, like, even tools that -- that 3 were purchased, and then we don't -- we 4 didn't have -- we didn't have it on the 5 premises. 6 I mean, there was just a lot of 7 things that I had to ask him, and it was 8 always ignored, disregarded, not answered, 9 and it made my -- my job difficult. 10 Q. These requests that you made to him to -- 11 for him to provide you with things or 12 information, were these requests done by 13 e-mail or verbally or both? 14 A. Mainly e-mail, because it's -- it's a form 15 of paper trail that, as an accountant, we 16 need to comply with, so we always have 17 something to back up. 18 Q. Do you recall any verbal conversations that 19 you had, either in person or on the phone, 20 with Mr. Liebl, where you asked him for 21 something related to your job, and he either 22 ignored you or provided some other response 23 that you were not satisfied with? 24 A. I mean, it's always work-related. Again, if 25 I was missing information that I would need</p>	<p>119</p> <p>1 conversations that you had with Mr. Liebl 2 where he did not provide you with 3 information that you needed? 4 A. I feel like that's the same question you're 5 asking me, and I -- I don't -- I don't know. 6 Q. So you -- you provided a lot of testimony 7 just now about instances where you would 8 talk to him. 9 But my -- my question now is, can 10 you recall any specific conversations about 11 specific items that you had with him, like 12 on a specific day, for example? 13 A. I don't have recollection on specific days. 14 Q. Do you have a recollection on specific 15 conversations with him? 16 A. I think I've mentioned a couple already. 17 Q. Do you recall any additional conversations 18 with him? 19 A. I mean, besides making it difficult to work 20 with Gerri, Geraldine? 21 Q. What -- what are those specific 22 conversations you recall? 23 A. When I felt like she was being 24 discriminatory towards me, she would muffle 25 when I would ask her for things. At certain</p>
<p>118</p> <p>1 from the parts department; if I felt that, 2 at the time that he hired Geraldine, and she 3 wasn't complying with some -- providing the 4 details that I needed, then I would come to 5 him. 6 And a lot of times she also 7 disregarded and ignored my e-mails, so I 8 would have -- I would ask her, and she -- 9 you know, it's just always been disregard 10 [sic]. I brought it up to Andy's attention. 11 Most of the times, he would have said, Oh, 12 I'm going to talk to her. I don't know if 13 he did or not. 14 But there were times that I needed 15 to talk to him, and he had brought her to 16 the room or his office, so we can talk about 17 things, but I don't feel like there was a 18 good outcome from the meetings that we've 19 had. 20 So it's always been a struggle to 21 communicate and work in a small office as a 22 team, because they were not team players. 23 Q. Other than, you know, speaking in -- in 24 general terms, about verbal conversations, 25 do you have any memories of specific</p>	<p>120</p> <p>1 times, I've heard her say, like, I don't 2 know why you have this position, or -- you 3 know, she made me feel like she could do my 4 job better, and she made me feel as though 5 she was after my job, and it just became 6 difficult to work with her. 7 I brought it up to Andy's 8 attention, and he said he will talk to her 9 again, and things would not resolve. So, it 10 was difficult to work with them. 11 Q. So let me ask you about that comment you 12 just mentioned. 13 In your Complaint, you allege that 14 Ms. Molyn said something along the lines of, 15 I don't know how people like you get into 16 positions like this. 17 Do you recall a statement that she 18 made to you to that effect? 19 A. Yeah, something to that effect. 20 Q. Do you recall when that statement was made? 21 A. Like I said, I -- I often had tried to 22 approach her in many different forms. I've 23 sent her e-mails. I've come to talk to her. 24 And she would just always walk away and 25 muffle things or say things as if, you know,</p>

<p>121</p> <p>1 she just didn't want to deal with me. She</p> <p>2 just was hard to work with.</p> <p>3 Q. So my question is, do you know -- do you</p> <p>4 recall when she made that statement to you?</p> <p>5 A. It was multiple times. I mean, I don't --</p> <p>6 we -- it -- it -- it was -- it was clearly</p> <p>7 evident that she just could not work with</p> <p>8 me.</p> <p>9 Q. Do you recall when any of those times were?</p> <p>10 A. No, I don't recall dates and times.</p> <p>11 Q. Do you recall the context of that comment</p> <p>12 that you say she made about, I don't know</p> <p>13 how people like you get into positions like</p> <p>14 this?</p> <p>15 Was there prior discussion that you</p> <p>16 had had with her before she made that</p> <p>17 comment?</p> <p>18 A. I mean, it was often -- like I said, we at</p> <p>19 some point couldn't see eye to eye. You</p> <p>20 know, she would run reports. I would ask</p> <p>21 her how did she come up with those numbers,</p> <p>22 if she could take a look at it again.</p> <p>23 And it was kind of like</p> <p>24 frustration. She was frustrated from me</p> <p>25 asking her for explanations and details on</p>	<p>123</p> <p>1 Q. So, was Ms. Molyn primarily frustrated</p> <p>2 because you would ask her questions about</p> <p>3 issues related to you performing your</p> <p>4 accounting duties?</p> <p>5 A. No, she was a team player. We -- we worked</p> <p>6 a lot together. But at the time, like I</p> <p>7 said, I wasn't doing all the reporting or</p> <p>8 had to ask her so many questions, because</p> <p>9 Sheri used to do it.</p> <p>10 Sheri was the controller.</p> <p>11 Sheri Geraghty was the VP of finance. She</p> <p>12 would have multiple discussions with</p> <p>13 Misty Goins about reporting and stuff. So I</p> <p>14 really wasn't involved with that until after</p> <p>15 Sheri left.</p> <p>16 Q. Did you ever work with Ms. Molyn in a group</p> <p>17 setting?</p> <p>18 A. I don't -- I don't understand the question.</p> <p>19 Q. Did you ever have conversations with her</p> <p>20 about work when other people were present</p> <p>21 other than Andy?</p> <p>22 A. She had her own office. So it was either,</p> <p>23 you know, we talked in her office or we</p> <p>24 talked in my office.</p> <p>25 Q. Were most of your conversations with her one</p>
<p>122</p> <p>1 how she'd come up with numbers that I had to</p> <p>2 tie in with other reports, and it was just</p> <p>3 difficult working with her.</p> <p>4 Q. So was -- was she frustrated?</p> <p>5 A. I cannot hear you, sir.</p> <p>6 Q. I'm sorry. Was she frustrated?</p> <p>7 A. Yes. She showed, yes, frustration. And</p> <p>8 she -- at one point, we had a meeting</p> <p>9 with -- with Andy, and she did say that.</p> <p>10 She said she's frustrated that I have to</p> <p>11 keep asking her questions. Like, she just</p> <p>12 didn't like me to ask her questions.</p> <p>13 Q. Did she say why?</p> <p>14 A. Again, I cannot hear you, sir.</p> <p>15 Q. Did she say why?</p> <p>16 A. She just doesn't like me asking questions.</p> <p>17 She said she constantly had to repeat</p> <p>18 herself. And I'm like, If I'm not clear on</p> <p>19 something, I am -- I'm a -- I like to ask</p> <p>20 questions.</p> <p>21 Because, again, I'm a numbers</p> <p>22 person. I'm an accountant, and it's black</p> <p>23 and white. It's -- you have to have -- tie</p> <p>24 everything together. And if it doesn't tie,</p> <p>25 I'm going to have to ask questions.</p>	<p>124</p> <p>1 on one or sometimes with Andy being present?</p> <p>2 A. I would say 50/50.</p> <p>3 Q. 50 percent one on one?</p> <p>4 A. 50 percent with -- one on one with</p> <p>5 Geraldine, and then also it -- 50 percent</p> <p>6 including Andy. So, I mean, we always had</p> <p>7 to come to Andy, because at the end of the</p> <p>8 day, he was the manager, and he needed to</p> <p>9 understand what was going on.</p> <p>10 Whether she brought it up to his</p> <p>11 attention or I brought it up to Andy's</p> <p>12 attention, we all had to have a discussion.</p> <p>13 Q. Did you -- did your office have a door?</p> <p>14 A. Yes.</p> <p>15 Q. Did you work with your door open or closed?</p> <p>16 A. I often had my door open. But when there</p> <p>17 was a high turnover, and there were new</p> <p>18 people coming in, all of a sudden, there</p> <p>19 were smokers in the building, and it was</p> <p>20 affecting my health, and I had to constantly</p> <p>21 close my door.</p> <p>22 Q. Who were the smokers in the building?</p> <p>23 A. Andy.</p> <p>24 Q. Anyone else?</p> <p>25 A. I mean, I know that a lot of the maintenance</p>

<p>125</p> <p>1 people were smokers. You can smell it when 2 you walk in the warehouse in the back. So, 3 I guess -- I'm assuming, I don't know -- 4 they smoked back there, but there were a lot 5 of smokers. A policy never -- we never had 6 a smoking issue until Andy started working 7 there. 8 Q. How long after Andy started working at 9 Teupen did he start smoking at work? 10 A. Oh, I don't know the time frame or timeline. 11 He was -- he's a smoker, so... 12 Q. So it happened pretty -- pretty soon 13 afterwards? 14 A. Yes. 15 Q. And after that, you mostly worked with your 16 door closed, because you didn't like the 17 smoke? 18 A. I mean, secondhand exposure. 19 Q. So you worked mostly with your door closed 20 after that? 21 A. Yes. 22 Q. Is it fair to say that you did not witness 23 Ms. Molyn's conversations with other Teupen 24 employees? 25 MS. GESSNER: Object to form.</p>	<p>127</p> <p>1 A. Oh, he had a lot of issues with other 2 co-workers. I mean, he even fired the 3 parts -- not the parts manager -- the 4 maintenance manager. 5 Q. What was his name? 6 A. Ralph Baer. 7 Q. Is he -- is he white? 8 A. Again, I don't know his origin. 9 Q. Do you know if he was Hispanic? 10 A. I've never spoken to him in Spanish, so I 11 don't know. 12 Q. And you -- you think Andy fired him? 13 A. Oh, he did. 14 Q. Why did he fire him? 15 A. I don't know. I know that they had -- oh, 16 often had issues and arguments. I don't 17 know what was the actual cause. I don't 18 recall at this point. 19 Q. So your recollection is that Andy did not 20 get along with multiple co-workers, not just 21 you? 22 A. Correct. 23 MS. GESSNER: Object to form. Let 24 me get my objection in. Object to form. 25 BY MR. KLASS:</p>
<p>126</p> <p>1 BY MR. KLASS: 2 Q. I'll rephrase. 3 Would you agree that Ms. Molyn had 4 conversations with other Teupen employees 5 that you were either not aware of or did not 6 overhear? 7 A. Yes. I mean, I wasn't in -- like I said, 8 I -- most of my time's consumed sitting 9 behind a computer doing accounting work. So 10 I wasn't socializing throughout the office 11 and listening to every conversation. So 12 I -- I'm certain that there was a lot of 13 other discussions where I was not present. 14 Q. Would the same thing be true for Andy Liebl; 15 that, because you worked with the door 16 closed most of the time, you weren't aware 17 of what he was doing day in, day out, except 18 when you needed to communicate with him? 19 A. Yes, I wasn't following him to see what he 20 was up to. I mean, I -- if I needed to 21 speak to him, I would go look for him. 22 Q. So then is it fair to say that you don't 23 know how he interacted with other 24 co-workers, because you weren't there most 25 of the time?</p>	<p>128</p> <p>1 Q. Did Gerri Molyn have difficult relationships 2 with other co-workers, to your knowledge? 3 A. Yes. 4 Q. And who did she have difficulty working 5 with? 6 A. I don't recall specific people, but they all 7 seemed to express how difficult it was to 8 work with her. 9 Q. Were they men or women? 10 A. There was only three women there. 11 Q. So is it fair to say that a lot of the 12 people she had difficulty working with were 13 men? 14 A. I can't assume. 15 Q. How do you know she had difficulty working 16 with other people? 17 A. Well, for one, I know that one person 18 expressed a difficulty working with her. 19 Q. Who was that? 20 A. Patrick Blackburn. 21 Q. What did he say? 22 A. That she wanted to do things her way. I 23 mean, I don't remember the conversations. 24 But, I mean, if -- she just didn't like 25 people to tell her what to do and how to do</p>

<p>129</p> <p>1 <b>it. I mean, she picked and chose what she</b></p> <p>2 <b>wanted to do and what she wanted to respond</b></p> <p>3 <b>to.</b></p> <p>4 Q. Did -- to your knowledge, did</p> <p>5 Patrick Blackburn have difficulty working</p> <p>6 with Andy Liebl?</p> <p>7 <b>A. Yes.</b></p> <p>8 MR. KLASS: Michelle, it's 12:44</p> <p>9 now on my clock. This might be a good time</p> <p>10 to take our lunch break.</p> <p>11 MS. GESSNER: Okay.</p> <p>12 THE VIDEOGRAPHER: We're going off</p> <p>13 the record. The time is 11:44 Central.</p> <p>14 (Break taken.)</p> <p>15 THE VIDEOGRAPHER: We're back on</p> <p>16 the record. The time is 12:31 Central.</p> <p>17 BY MR. KLASS:</p> <p>18 Q. Ms. Acevedo, did you ever tell anyone you</p> <p>19 worked with what your national origin was?</p> <p>20 <b>A. I mean, I didn't have to. I mean, it's</b></p> <p>21 <b>obvious that I am of Spanish color skin and</b></p> <p>22 <b>heritage, and my appearance is not white.</b></p> <p>23 <b>So, I am a Latin American.</b></p> <p>24 Q. Did you ever tell Andy Liebl or Gerri Molyn</p> <p>25 that your family was originally from</p>	<p>131</p> <p>1 <b>smoker.</b></p> <p>2 Q. Did Patrick ever smoke in the building?</p> <p>3 <b>A. I've never seen him personally, but I know</b></p> <p>4 <b>that he was a smoker. There was often</b></p> <p>5 <b>cigarette breaks going on there.</b></p> <p>6 Q. What was Patrick's response when you</p> <p>7 complained?</p> <p>8 <b>A. I mean, he would just walk away and go</b></p> <p>9 <b>outside. I mean, but it's evident who the</b></p> <p>10 <b>smokers are, because the smoke is on -- you</b></p> <p>11 <b>know, it's on their clothes.</b></p> <p>12 Q. Did you ever complain to -- or what was --</p> <p>13 strike that.</p> <p>14 What was Andy Liebl's response when</p> <p>15 you complained to him about him smoking in</p> <p>16 the building?</p> <p>17 <b>A. I mean, he -- again, he would just walk away</b></p> <p>18 <b>and, you know -- I mean, I would just often</b></p> <p>19 <b>say that the smell was awful.</b></p> <p>20 Q. How does Mr. Liebl smoking in the building</p> <p>21 relate to your claim that he might have</p> <p>22 discriminated or retaliated against you</p> <p>23 based on your national origin or your sex or</p> <p>24 your claim disability?</p> <p>25 <b>A. Well, I mean, most importantly, I mean, I've</b></p>
<p>130</p> <p>1 Ecuador?</p> <p>2 <b>A. No, we never spoke about personal life.</b></p> <p>3 Q. Did you ever talk to Mr. Liebl or Ms. Molyn</p> <p>4 about you being born and growing up and</p> <p>5 living in New York?</p> <p>6 <b>A. Yes.</b></p> <p>7 Q. Did you ever speak Spanish in front of</p> <p>8 Mr. Liebl or Ms. Molyn?</p> <p>9 <b>A. I didn't have anyone to spoke -- to speak to</b></p> <p>10 <b>in Spanish. I mean, maybe they -- they may</b></p> <p>11 <b>have heard me speaking to my husband maybe</b></p> <p>12 <b>on a phone call.</b></p> <p>13 Q. But you don't know that one way or the</p> <p>14 other, right?</p> <p>15 <b>A. I don't know that, no, for sure.</b></p> <p>16 Q. Okay. We were talking about smoking in the</p> <p>17 building prior to the lunch break.</p> <p>18 Did you ever complain about</p> <p>19 employees smoking in the building to anyone</p> <p>20 at Teupen?</p> <p>21 <b>A. Yes. I mean, I did tell Andy himself. You</b></p> <p>22 <b>know, I told him that it smelled in the</b></p> <p>23 <b>building, and there was a lot of smoking</b></p> <p>24 <b>going on. I've told -- I mentioned it to</b></p> <p>25 <b>Patrick as well, because he was also a</b></p>	<p>132</p> <p>1 <b>used -- as you know and fully aware, I have</b></p> <p>2 <b>gone to -- I've had multiple medical visits</b></p> <p>3 <b>regards to having cough or chest congestion.</b></p> <p>4 <b>I mean, he played a part in that. I mean,</b></p> <p>5 <b>he disregarded it. If I said it smelled in</b></p> <p>6 <b>the building, it's not like they stopped.</b></p> <p>7 <b>It went on.</b></p> <p>8 <b>We didn't have an HR department to</b></p> <p>9 <b>tell them it's not -- it's not against</b></p> <p>10 <b>violation laws. I mean, everyone, I mean,</b></p> <p>11 <b>did there whatever they wanted to do. I</b></p> <p>12 <b>know there was another employee that had</b></p> <p>13 <b>issues as well with the smell. And that</b></p> <p>14 <b>employee also actually made a call to</b></p> <p>15 <b>Inspirity, to our, you know, HR company</b></p> <p>16 <b>to -- to even put in a complaint about it.</b></p> <p>17 Q. Who was that employee?</p> <p>18 <b>A. Cassandra Travieso.</b></p> <p>19 Q. Did you ever complain to Martin Borutta or</p> <p>20 bring up the issue of smoking to Mr. -- to</p> <p>21 Mr. Borutta?</p> <p>22 <b>A. I didn't have to, because he was aware of</b></p> <p>23 <b>it. Cassandra Travieso had -- somebody had</b></p> <p>24 <b>posted, Do Not Smoke, on one of the doors in</b></p> <p>25 <b>the building. And from what I'm aware, he</b></p>

<p>133</p> <p>1 asked, Who put that up? I didn't see 2 anybody put it up. My -- I don't know if it 3 was Cassandra, but she did tell me that she 4 had put in a complaint with Insperity. And 5 so she also had issues with the smoking in 6 the building. And she was also Hispanic, 7 who also wasn't treated fairly, and she 8 ended up leaving the job. 9 Q. Did -- do you know who put up that sign, Do 10 Not Smoke? 11 A. I personally don't know, but obviously -- I 12 mean, it was clear who were the smokers and 13 who were the nonsmokers. So I -- it could 14 have been her. 15 Q. How long was the -- how long was the sign up 16 for? 17 A. I'm sorry? I didn't hear that. 18 Q. How long was the sign up for? 19 A. I'm not sure. I don't know how long it was 20 for, and I didn't notice it. I was told 21 that there was a sign on there, and I -- and 22 I was told that Martin didn't like it and 23 asked around, Who put it up? And he took it 24 down, because Martin is also a smoker. 25 Q. Who told you that Martin didn't like it?</p>	<p>135</p> <p>1 A. I don't -- we've had small talk 2 conversations. I know that the situation 3 was brought up, and -- but I don't know when 4 exactly or when that I mentioned it to him. 5 Q. Are you sure you mentioned it to him? 6 A. I don't recall. 7 MS. GESSNER: Objection, asked and 8 answered multiple times. You're just trying 9 to get her to say no. So, please stop doing 10 that. 11 BY MR. KLAS:  12 Q. Do you know who else at Teupen Andy Liebl 13 would e-mail to perform his job duties? 14 A. I -- I'm not -- can you repeat the question, 15 please. 16 Q. Sure. Do you know who else Andy Liebl would 17 e-mail with at Teupen to perform his job 18 duties other than you? 19 A. No, I don't know. 20 Q. Do you know if he ever did not timely 21 respond to other employees' e-mails? 22 A. He wasn't someone who would constantly do -- 23 send e-mails. So, I mean, to my knowledge, 24 he avoided responding [sic] e-mails, and I 25 think it was just targeted towards me. He</p>
<p>134</p> <p>1 A. I -- I don't recall. 2 Q. Did you see Martin take the sign down? 3 A. Again, I don't know how it went up and how 4 it went down. I just know that it was a 5 complaint put about the smoking issue before 6 I even made any -- before I voiced my 7 opinion about it. 8 Q. Did -- did you ever talk to Martin about 9 your personal issues with smoking in the 10 building? 11 A. He was not there as often to, you know -- I 12 mean, to be there and to talk about these 13 things. Often, I tried to, you know, have a 14 meeting with him, but his -- his presence in 15 the office was very limited and minimal. 16 Q. So do you remember talking to him about it 17 or not? 18 A. I could have mentioned it. He -- he may 19 have asked me if who -- if I knew who put it 20 up, and I -- you know, I didn't have 21 information to provide. 22 Q. Well, you said you "could have mentioned 23 it." 24 Do you specifically remember doing 25 that, or are you guessing?</p>	<p>136</p> <p>1 just didn't want to comply or listen to what 2 I have to say. 3 I don't know. He was just totally 4 against me being Latina, I guess. I mean, 5 it was evident that he treated me 6 differently than what he'd done with others, 7 and I just felt uncomfortable, and I just -- 8 I don't know why he did what he did. 9 Q. Well, I'm asking you about your knowledge 10 about his responses to other people's 11 e-mails to him. 12 Do you have any knowledge about 13 whether he responded to other people's 14 e-mails or how quickly he responded to them? 15 A. I didn't have access to his e-mails, so I 16 wouldn't be able to answer that. 17 Q. You said in your Complaint that Mr. Liebl 18 failed to include you on important 19 communications and relevant information. 20 What do you mean by that? 21 A. I don't -- I don't know what you're 22 referring to. 23 Q. So, in your Complaint in this case, you say 24 that, Mr. Liebl repeatedly failed to include 25 Plaintiff, meaning you, on important</p>

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<p>137</p> <p>1 communications and relevant information. 2 MR. KLASS: And, Ms. Gessner, I'm 3 referring to paragraph 23 of the Amended 4 Complaint. 5 BY MR. KLASS: 6 Q. So my question to you, Ms. Acevedo -- 7 MS. GESSNER: Counsel, I'm not -- 8 wait a minute. Wait a minute. Wait a 9 minute. 10 Counsel, I'm not your witness. So 11 since you directed that at me, I would 12 request that you show this witness the 13 document you're referring to, since you're 14 asking her questions about a specific 15 document, so that she can see the whole 16 thing. 17 MR. KLASS: All right. Let 18 me -- let me pull it up. 19 BY MR. KLASS: 20 Q. Ms. Acevedo, I'm showing you the first page 21 of your First Amended Complaint in this 22 case, and I'm going to scroll down to 23 paragraph 23 for you. 24 MS. GESSNER: Counsel, while you're 25 doing that, I don't think -- have you marked</p>	<p>139</p> <p>1 relevant information? 2 <b>A. Well, Mr. Klass, this is just my response</b> 3 <b>and answer to paragraph 23. I would like to</b> 4 <b>see the question that made me respond.</b> 5 Q. Ms. Acevedo, this is your Complaint in this 6 case, where you are alleging facts and legal 7 allegations and claims against Teupen. So, 8 this isn't responding to -- to anything. 9 These -- these are your allegations in this 10 case. 11 So, my question is -- is, I guess, 12 first, do you agree with -- that statement 13 that Mr. Liebl repeatedly failed to include 14 you on important communications and relevant 15 information, do you agree with that? 16 <b>A. Yes.</b> 17 Q. Okay. And what do you base that agreement 18 on? 19 <b>A. That he would have expenses that I wouldn't</b> 20 <b>be aware of, and then I have to come back</b> 21 <b>and ask him, What was this for? And he</b> 22 <b>would -- it was hard to get an answer from</b> 23 <b>him, and this is why it -- I couldn't --</b> 24 <b>sorry -- I couldn't produce my work, because</b> 25 <b>of his lack of communication.</b></p>
<p>138</p> <p>1 any of the prior documents that you've had 2 up as exhibits? I don't think I recall you 3 actually marking them, nor do I see an 4 exhibit number on any of them. 5 Are you planning to attach those 6 documents to her deposition? 7 MR. KLASS: No. 8 MS. GESSNER: I didn't hear you. 9 MR. KLASS: No. 10 MS. GESSNER: So, again, you're not 11 going to mark these as exhibits to her 12 deposition; is that correct? 13 MR. KLASS: I haven't decided 14 whether to at this point or not. 15 MS. GESSNER: Okay. 16 BY MR. KLASS: 17 Q. So, Ms. Acevedo, if you can see paragraph 23 18 in front of you, the second sentence reads, 19 in part, He did not review and approve 20 expenses, and he repeatedly failed to 21 include Plaintiff, meaning you, on important 22 communications and relevant information. 23 So my question to you is, what do 24 you mean by Mr. Liebl repeatedly failing to 25 include you on important communications and</p>	<p>140</p> <p>1 <b>Or when he decided to start looking</b> 2 <b>into changing -- for example, looking for a</b> 3 <b>new phone company, like, he didn't inform</b> 4 <b>me, when I was the one who would handle</b> 5 <b>those situations when it comes to vendors</b> 6 <b>and stuff.</b> 7 So, he would just, you know, do 8 whatever it was, but not include me. So I 9 always have to go around asking him -- and 10 this is just in general. I can't recall a 11 specific, but I would go and ask him 12 questions about whatever his action was or 13 whatever his expense was. 14 And it was just always, you know, 15 beating around the bush or ignoring me, or 16 just -- you know, he would treat me in a way 17 that he didn't have to answer me. Like, he 18 made -- he belittled me; he will just ignore 19 me, like I -- like who am I to question him. 20 Q. Okay. You mentioned not communicating with 21 you regarding the credit card coding issues 22 and also about replacing or updating the 23 phones. 24 Are there any other instances that 25 you can remember where he didn't include you</p>

<p>141</p> <p>1 on what you considered to be important 2 communications? 3 A. Yes, because -- well, I can recall at this 4 point that we were searching for a new 5 health benefit package. And I was doing the 6 research and doing work, and then he also 7 had Geraldine working on it. 8 And -- and then she would have 9 information that I wouldn't have. So we 10 weren't working on the same page. We were 11 both doing the same work, wasting time, and, 12 like, he would fail to tell me those things. 13 Or when we were looking for a new payroll 14 company, it was the same thing. So it's 15 like, Oh, here I need you to work -- work on 16 this, and then he had her doing it. And it 17 was kind of like we were both working on the 18 same thing, but yet not as a team. 19 It was -- it was just -- I don't 20 know. It was just hard and difficult. Like 21 he just -- I don't know. He treated me 22 differently and unfairly, and -- you know, 23 and this is why I -- I put in a claim. This 24 is why, because he -- you know, he was 25 discriminative towards me.</p>	<p>143</p> <p>1 tell me this, can you tell me that. You 2 know, is -- I mean, he -- he -- he ran a 3 parts department. I mean, he didn't have 4 issues with Geraldine. He didn't have 5 issues with the service department. 6 Like, I really feel he pointed me 7 out and just wanted me out of there. I 8 really felt that, you know, me -- that I 9 wasn't -- who am I to question him? And I 10 might have been a needle in his hip -- you 11 know, a thorn in his hip that he just wanted 12 to -- to get rid of. 13 Q. Why do you think he singled you out? 14 A. By not responding to me, Mr. Klass. You 15 know, if you're working somewhere, and 16 you -- you -- you have to, you know, depend 17 on others, you know, come together 18 collaboratively to -- to fulfill a role to, 19 you know, do your work in the company. 20 If you don't have the backup, if 21 you don't have a team that are working with 22 you, it becomes difficult for you. So, that 23 made me feel that I was singled out, that I 24 was isolated, that I was on my own. 25 Q. But you don't know how he treated other</p>
<p>142</p> <p>1 You know, he didn't care for my 2 health. You know, when I called out and 3 went to the doctor's, I got terminated. 4 Like, he gave me a warning letter that 5 wasn't even warranted, because it was not 6 true facts. Like, he was -- simply put, he 7 was putting -- he was just against me. 8 He was retaliating because I had 9 tried to talk to Martin about these 10 difficult situations in the office. And 11 Martin would go back and talk to Andy, and 12 they just made it difficult for me. And, I 13 mean, I truly believe that they were just 14 pushing me to leave. And because I wanted 15 to continue to work there, and I love to do 16 what I do, I tried to put up with as much as 17 I could, until I was dismissed -- 18 erroneously dismissed. 19 Q. You say in the next sentence of paragraph 23 20 that, Liebl did not treat any non-Hispanic 21 employees this way. 22 How do you know that? 23 A. I was the one that was not, you know, 24 getting his response. You know, I was the 25 one that's constantly after him; can you</p>	<p>144</p> <p>1 employees, right? 2 A. I mean, he did what he did. I mean, he said 3 what he -- he -- he was the boss of everyone 4 else. He wasn't my direct boss, so he made 5 it hard for me. 6 Q. Did you ever complain to Mr. Borutta about 7 concerns you had about Andy Liebl? 8 A. Yes. I e-mailed him to tell him that I 9 wanted to talk to him the next time that he 10 was in town. He said, Yes, we would. 11 One -- at one time he came, he didn't have 12 the time for me, because he has other 13 meetings or other appointments to attend to. 14 So, like I said, I -- I've never 15 had a whole time planned in the calendar to 16 sit with him and talk about these things, 17 because he -- I felt like he was -- just, 18 like, brushed it off. And at one point, he 19 even told me, Just handle it with -- with 20 Andy, as if to sort of say he doesn't want 21 to deal with it. 22 So, I feel like I was singled out. 23 I felt like he pushed Andy to do the dirty 24 work for him. Obviously, it was clear. 25 They didn't want me there. They used me. I</p>

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37 (145 to 148)

<p>145</p> <p>1 was overworked. I did what I could. 2 I've -- I -- I'd never called out. And all 3 of a sudden, I took vacation a week 4 before -- the week of Christmas. I come 5 back, and I -- and I'm being demoted. I'm 6 sent home. I'm -- then I'm fired by e-mail, 7 because I went to the doctor's. They didn't 8 believe that my doctor's note was 9 legitimate. 10 Like, it was clear that I was 11 legitimately separated, and I was 12 mistreated, and that's a discrimination to 13 me. Like, I -- I couldn't even put into 14 words how I feel about being Hispanic; 15 trying to do my job; prove to people that I 16 could do the work; do the work; work 17 overtime; do what I did. I did everything I 18 could to be there and be supportive for 19 everyone, but they made my life a living 20 hell there. 21 Q. Ms. Acevedo, I'm just asking if you talked 22 to Mr. Borutta about these concerns. So I'd 23 like to back up with some of what you just 24 said. 25 You said that you e-mailed</p>	<p>147</p> <p>1 however many you think you sent, did you 2 ever talk to Mr. Borutta on the phone about 3 any concerns you had about Andy Liebl? 4 <b>A. No.</b> 5 Q. Same question regarding Ms. Molyn. 6 Did you ever talk to Mr. Borutta 7 about any concerns you had with Ms. Molyn by 8 phone? 9 <b>A. Not by phone.</b> 10 Q. Did you ever e-mail Mr. Borutta about any 11 concerns you had about Ms. Molyn? 12 <b>A. I don't recall.</b> 13 Q. Did you have any in-person discussions with 14 Mr. Borutta about any concerns you had with 15 Mr. Liebl or Ms. Molyn? 16 <b>A. Yes.</b> 17 Q. How many times did you have in-person 18 discussions with him about -- 19 <b>A. I don't know how many times.</b> 20 Q. Was it more than one time? 21 <b>A. Yes.</b> 22 Q. Do you recall when those discussions were? 23 <b>A. I don't recall. All I can say is it was</b> 24 <b>before the -- the warning that I received.</b> 25 <b>That, I can say.</b></p>
<p>146</p> <p>1 Mr. Borutta about the issue. 2 Do you remember when you sent that 3 e-mail? 4 <b>A. I don't recall the date and time. Martin</b> 5 <b>should have it. He has all the e-mails,</b> 6 <b>access to everything there. I'm sure that</b> 7 <b>you have it as well. I don't have dates and</b> 8 <b>times, and I don't have the document in</b> 9 <b>front of me.</b> 10 Q. Do you remember what month it was in? 11 <b>A. No, I don't recall.</b> 12 Q. Do you recall if it was before or after the 13 warning notice was given to you? 14 <b>A. Obviously before.</b> 15 Q. Okay. So, did you send -- did you send 16 Mr. Borutta one e-mail or more than one 17 e-mail about the issue? 18 <b>A. I don't recall.</b> 19 Q. Do you recall if, in the e-mail, you 20 mentioned to him, Mr. Borutta, what your 21 concerns were, or was your e-mail simply, 22 Next time you're in town, I want to talk to 23 you about some things? 24 <b>A. I don't recall the specifics.</b> 25 Q. Okay. And aside from that e-mail or two, or</p>	<p>148</p> <p>1 Q. You recall having a discussion with 2 Mr. Borutta before the warning notice that 3 was given to you. 4 Is that right? 5 <b>A. I mean, I'd had discussions, again, small</b> 6 <b>talk here and there, whenever he would just</b> 7 <b>pop up in the office. I don't know how many</b> 8 <b>times.</b> 9 Q. Do you recall -- 10 <b>A. I did -- I do recall asking him at one</b> 11 <b>point, saying, I would like us to talk about</b> 12 <b>this letter I received.</b> 13 Q. Which letter are you talking about? 14 <b>A. Well, on both occasions, both.</b> 15 Q. I -- I'm sorry. Which letters? 16 <b>A. Which letters are you referring to?</b> 17 Q. Well, you just mentioned that you talked -- 18 wanted to talk to him about a letter or two. 19 Which -- 20 <b>A. The warning.</b> 21 Q. What letter are you -- 22 <b>A. One was the warning I had mentioned to him</b> 23 <b>verbally. The second one, I reached out to</b> 24 <b>him, e-mail, and there was no response.</b> 25 Q. What was the second one about?</p>

<p>149</p> <p>1 <b>A. The term-- the demotion.</b></p> <p>2 Q. When you talked to Mr. Borutta in person</p> <p>3 about your complaints or concerns with</p> <p>4 Mr. Liebl or Ms. Melyn, what do you recall</p> <p>5 telling him?</p> <p>6 <b>A. I don't recall the specifics. It was just</b></p> <p>7 <b>small talk, and, again, I was brushed off,</b></p> <p>8 <b>because he was too busy.</b></p> <p>9 Q. Did you tell him you were being</p> <p>10 discriminated against?</p> <p>11 <b>A. I mentioned to him that I needed to talk to</b></p> <p>12 <b>him about the things that were going on in</b></p> <p>13 <b>the office.</b></p> <p>14 Q. Did you say what those things were?</p> <p>15 <b>A. No, I didn't have a chance and opportunity</b></p> <p>16 <b>to speak to him. With the limited time that</b></p> <p>17 <b>Martin gave me, there's no way that I can</b></p> <p>18 <b>give him discrimination, bias, all this in</b></p> <p>19 <b>one or two sentences.</b></p> <p>20 <b>I raised the concern to him, and he</b></p> <p>21 <b>failed to follow through. Okay? There was</b></p> <p>22 <b>no HR department. We didn't have Insperity.</b></p> <p>23 <b>Like we -- he, as the sole owner or</b></p> <p>24 <b>shareholder or CEO, whatever he want to call</b></p> <p>25 <b>himself, he -- it was his responsibility to</b></p>	<p>151</p> <p>1 Q. Do -- do you recall when that conversation</p> <p>2 was?</p> <p>3 <b>A. I don't recall date and time.</b></p> <p>4 Q. Do you know if it was before or after the</p> <p>5 warning notice?</p> <p>6 <b>A. I don't recall.</b></p> <p>7 Q. So let me ask you about the warning notice,</p> <p>8 and let me pull it up for you.</p> <p>9 MR. KLASS: And for the record,</p> <p>10 this is Acevedo000070, Bates stamp.</p> <p>11 BY MR. KLASS:</p> <p>12 Q. Ms. Acevedo, do you recognize this document</p> <p>13 in front of you to be the warning notice we</p> <p>14 were just referring to?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. And did you receive a copy of this warning</p> <p>17 notice when you worked at Teupen?</p> <p>18 <b>A. That was left on my desk on one morning that</b></p> <p>19 <b>I came to work.</b></p> <p>20 Q. And the date on this document is</p> <p>21 December 18, 2019.</p> <p>22 Do you recall if you received it on</p> <p>23 that date, or if you received it afterwards?</p> <p>24 <b>A. I didn't match the date with the -- what the</b></p> <p>25 <b>actual day it was. Like I said, I come to</b></p>
<p>150</p> <p>1 follow up with me. If someone's telling</p> <p>2 somebody in the hierarchy, I'm going through</p> <p>3 X, Y, Z, then he should have done something</p> <p>4 about it.</p> <p>5 And he disregarded me, brushed me</p> <p>6 off, told me to handle things with Andy.</p> <p>7 Andy was totally against me, wanted me out</p> <p>8 the office, and he wanted to have Jeremy</p> <p>9 take my position. So they made my</p> <p>10 hell -- my job a living hell there.</p> <p>11 Q. Do you know if Mr. Borutta ever looked into</p> <p>12 your concerns with Mr. Liebl or Ms. Melyn?</p> <p>13 <b>A. I have no -- I don't have any -- I was --</b></p> <p>14 <b>I've never been a witness of that.</b></p> <p>15 Q. Okay. Would you know, in your role at</p> <p>16 Teupen, whether Mr. Liebl had ever been</p> <p>17 reprimanded or disciplined by Mr. Borutta</p> <p>18 for any reason?</p> <p>19 <b>A. I wouldn't know. I've never been present in</b></p> <p>20 <b>front of both of them.</b></p> <p>21 Q. And you testified that Martin Borutta told</p> <p>22 you at some point to work it out with</p> <p>23 Mr. Liebl.</p> <p>24 Is that right?</p> <p>25 <b>A. Yes.</b></p>	<p>152</p> <p>1 my office, and most of the time, I receive</p> <p>2 something on my desk, or I'm sent it by</p> <p>3 e-mail or by -- I don't know. I mean, it's</p> <p>4 just never been presented to me or sat down</p> <p>5 for discussion.</p> <p>6 Q. Do you know if this warning notice -- well,</p> <p>7 strike that.</p> <p>8 Who do you understand gave you this</p> <p>9 warning notice?</p> <p>10 <b>A. Andy. That's what his name says.</b></p> <p>11 Q. Do you know whether Martin Borutta knew</p> <p>12 about this warning notice being given to</p> <p>13 you?</p> <p>14 <b>A. Honestly, I don't believe he was aware of</b></p> <p>15 <b>it.</b></p> <p>16 Q. When you received this warning notice, what</p> <p>17 did you do?</p> <p>18 <b>A. I was in disbelief. I mean, it was saying</b></p> <p>19 <b>that I failed to do something. So, I</b></p> <p>20 <b>quickly looked up to see if it was accurate.</b></p> <p>21 <b>I looked up to confirm whether or not the</b></p> <p>22 <b>credit card had been paid, when it was last</b></p> <p>23 <b>paid.</b></p> <p>24 And then I sent an e-mail to</p> <p>25 certain people -- a couple -- a handful of</p>

<p>153</p> <p>1 people in the office to let them know, Be 2 aware, I just received a warning for an 3 accusation that was inaccurate, and I wanted 4 to have witnesses that this was uncalled 5 for, and I wanted people to know 6 that -- that I had received such notice, and 7 to look out, they might receive some -- one 8 as well. I didn't know. 9 Q. Did you talk to Andy Liebl about this 10 warning notice? 11 A. I did. I went to his office, and I brought 12 him the proof. I printed out the bank 13 statement. I printed out the credit card 14 statement. And I brought him the letter, 15 and I said, How can this be if the credit 16 card is on auto-pay? 17 Q. What did he say? 18 A. He was like -- he told me that he had 19 received a call or he had made a call, and 20 they said that it wasn't paid, and it should 21 have been paid. And, I mean, this came out 22 of left field. 23 Like, I'm asking him to -- to 24 provide me his expense receipts, code them, 25 submit them, so, you know, we can process</p>	<p>155</p> <p>1 A. No, he just says -- I said, Well, I'm not 2 signing this. This is not accurate. And -- 3 and he was just like -- you know, he didn't 4 say nothing. He was like, Leave it here. 5 And I just -- you know, I -- there was 6 nothing to do. I mean, there was -- it's -- 7 it's not legitimate. 8 Q. Do you know if he did anything with the 9 warning notice afterwards? 10 A. No, I don't know what he does. 11 Q. Do you know if he -- if he ever reported 12 that to Mr. Borutta? 13 A. I have no idea. I doubt it, because it's 14 irrelevant. I mean, this was just, like, 15 not thought through. This was just 16 something for him to prove or try and have 17 something against me. He wanted to build a 18 case against me, because he wanted me to 19 quit, or he wanted to fire me. 20 Q. And how do you know that? 21 A. Because, Mr. Klass, I did what I did -- I 22 did everything I could to help out in that 23 office, despite the high turnover, despite 24 thinking about maybe I would be the next one 25 to get fired, because I don't know what --</p>
<p>154</p> <p>1 them, enter it into the accounting system. 2 And here he is giving me a warning for -- 3 for not paying a credit card. It -- it -- 4 it was nonsense. 5 This clearly states he wanted to 6 have some type of trail; that he wanted to 7 just eliminate me; he didn't want me there; 8 again, you know, I -- he was totally against 9 me; and he just wanted me out. He wanted a 10 reason to have against me, and this was 11 inaccurate. So this backfired on him. 12 Q. So you say you printed out the bank 13 statement. 14 Did the bank statement show that it 15 had been paid? 16 A. Yes. 17 Q. And did you show that to Mr. Liebl? 18 A. Yes. 19 Q. What was his response when you said that 20 this had been paid? 21 A. He said, Oh, well, I don't know, they told 22 me different. 23 Q. Did he -- did he retract the warning notice? 24 Did he say anything about what 25 would happen to it?</p>	<p>156</p> <p>1 what were they doing, what -- what was the 2 plan. 3 I did what I could. I proved 4 myself enough that Mr. Borutta gave me an 5 increase, because he showed that I did a lot 6 of work. But Andy and Geraldine had a 7 different plan for me. I mean, they wanted 8 me out. And unfortunately, I told Martin, 9 and Martin disregarded. 10 Q. Do you know what Mr. Liebl's intentions 11 were, do you? 12 I mean, you're just speculating, 13 right? 14 A. I'm not speculating. It's what I felt. 15 My -- my feelings are real. I felt like I 16 was isolated, separated. He didn't want me 17 there. I'm Latin. He didn't want me to 18 tell him what to do. 19 He wanted to have the power. He 20 wanted to have Geraldine in his [sic] 21 position, because Geraldine did everything 22 he said without questioning him. Remember, 23 they worked together before, so they're a 24 team. 25 Q. You mentioned that you sent an e-mail to</p>

Transcript of Marjorie Acevedo  
Conducted on October 14, 2021

40 (157 to 160)

<p>157</p> <p>1 other people at Teupen after you got this 2 warning notice, right? 3 <b>A. Yes.</b> 4 Q. Okay. So I'm going to show you another 5 document now. And this, for the record, is 6 Acevedo000060 on the first page, and the 7 second page of the two-page document is 8 Acevedo000061. 9 Do you recognize this email chain, 10 Ms. Acevedo? 11 <b>A. Yes, I wrote it. I sent it.</b> 12 Q. And let's -- let's look at a couple -- there 13 are two e-mails on this document, right? 14 <b>A. You have to point out what you're referring</b> 15 <b>to.</b> 16 Q. Okay. Do you see, at the top of the 17 document, under Forward Memo to File -- 18 <b>A. Mm-hmm.</b> 19 Q. -- from your work e-mail account at Teupen 20 to your personal e-mail account at G-mail; 21 is that right? 22 <b>A. Yes.</b> 23 Q. And that's dated Thursday, December 19, 24 2019, at 10:22 a.m. 25 Is that right?</p>	<p>159</p> <p>1 Q. Okay. So why did you send this e-mail at 2 9:54 a.m. on December 19 to these five 3 people? 4 <b>A. Like I just mentioned before, I wanted some</b> 5 <b>employees to be a witness of what -- what I</b> 6 <b>had received or founded on my desk that</b> 7 <b>morning.</b> 8 Q. Why didn't you e-mail this to 9 Martin Borutta? 10 <b>A. Because he wasn't there, and I don't know if</b> 11 <b>he -- you know, if he had anything to do</b> 12 <b>with it, but I wanted to let everyone else</b> 13 <b>know.</b> 14 Q. Do you think it would have been important to 15 let your direct supervisor know of this 16 warning notice? 17 <b>A. Yes, I should have.</b> 18 Q. But you didn't? 19 <b>A. But who comes on a daily -- on a -- who</b> 20 <b>comes to work one morning and find a warning</b> 21 <b>notice left on their desk?</b> 22 <b>Usually, from my experience -- or</b> 23 <b>having worked in other companies, HR</b> 24 <b>departments will schedule an interview and</b> 25 <b>have a discussion with the manager or --</b></p>
<p>158</p> <p>1 <b>A. Yes.</b> 2 Q. And you are forwarding to your personal 3 e-mail account the e-mail that's right below 4 it, right? 5 <b>A. Yes.</b> 6 Q. Okay. And the e-mail that's right below it 7 is from you, dated December 19, 2019, at 8 9:54 a.m. 9 Is that right? 10 <b>A. Yes.</b> 11 Q. And Allen Bennett, James Crawford, 12 James -- or Jason Rogers, Patrick Blackburn, 13 and Tim Hickman (phonetic), those were your 14 co-workers at Teupen at the time? 15 <b>A. Yes.</b> 16 Q. And do you see on the second page of the 17 document, there's a -- it looks like a PDF 18 attachment that says, Memo to File, 19 12/19/19? 20 <b>A. Mm-hmm.</b> 21 Q. Do you see that? 22 <b>A. Yep.</b> 23 Q. Do you know what that document is? 24 Is that the warning notice? 25 <b>A. Absolutely.</b></p>	<p>160</p> <p>1 <b>there's -- there's always a mediator or</b> 2 <b>someone, you know, that -- that will sit</b> 3 <b>down and talk to you about why you're</b> 4 <b>getting a notice.</b> 5 <b>You don't find this -- I mean,</b> 6 <b>Mr. Klass, you don't go to work one day or</b> 7 <b>been to a job one day and go to your job</b> 8 <b>desk and find a warning letter. I mean,</b> 9 <b>I -- I was in shock.</b> 10 Q. Did you ever talk to -- 11 <b>A. Besides having anxiety, I was -- that even</b> 12 <b>drove me to anxiety. I -- I just couldn't</b> 13 <b>believe what I found. I'm like --</b> 14 Q. Did you ever talk to -- 15 <b>A. My quick reaction was just to send it and</b> 16 <b>share it with people in the office, because</b> 17 <b>I didn't know what to expect. I didn't know</b> 18 <b>if anybody else had received it. I don't</b> 19 <b>know what was going on.</b> 20 Q. Did you ever talk to Mr. Borutta about the 21 warning notice? 22 <b>A. Yes. I mentioned it, that I wanted -- you</b> 23 <b>know, that I told him that I had discovered</b> 24 <b>something, and he said he would talk to</b> 25 <b>Andy.</b></p>

<p>161</p> <p>1 Q. When did you have that discussion?</p> <p>2 <b>A. I have no idea. I don't know at what time</b></p> <p>3 <b>frame, what -- that week, that same day. I</b></p> <p>4 <b>don't even remember if he was there. I</b></p> <p>5 <b>don't think he was there. He may have been</b></p> <p>6 <b>coming. I mean, I don't know.</b></p> <p>7 Q. Was it an in-person discussion?</p> <p>8 <b>A. It could have been, yes.</b></p> <p>9 Q. Well, do you remember having an in-person</p> <p>10 discussion, or are you guessing?</p> <p>11 <b>A. I'm not certain. I don't recall. For the</b></p> <p>12 <b>record, I don't recall.</b></p> <p>13 Q. Do you remember what you said to him about</p> <p>14 the warning notice?</p> <p>15 <b>A. I don't recall.</b></p> <p>16 Q. Do you remember what he said to you about</p> <p>17 the warning notice?</p> <p>18 <b>A. That he would talk to Andy about it.</b></p> <p>19 Q. Do you know if did he?</p> <p>20 <b>A. I have no idea. Again, I never had a</b></p> <p>21 <b>followup with any of these accusations. I</b></p> <p>22 <b>didn't have a followup when I was being</b></p> <p>23 <b>demoted. I didn't have a -- I don't know.</b></p> <p>24 <b>No, I don't. I rarely had any -- more than</b></p> <p>25 <b>10, 15 minutes with Martin.</b></p>	<p>163</p> <p>1 <b>A. I sent it to her. Remember, I sent the</b></p> <p>2 <b>e-mail to myself. So I shared the -- the</b></p> <p>3 <b>e-mail with my attorney.</b></p> <p>4 Q. The e-mail we looked at a moment ago?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. And I think your testimony before was that</p> <p>7 that PDF attachment was the warning notice?</p> <p>8 <b>A. That, along with it. That -- that was</b></p> <p>9 <b>along. That was part of it. I told you</b></p> <p>10 <b>that I printed the bank statement and the</b></p> <p>11 <b>letter, and I shared it with everyone else</b></p> <p>12 <b>in the office.</b></p> <p>13 Q. And do you still have that e-mail?</p> <p>14 <b>A. I don't know. I don't -- I haven't -- I</b></p> <p>15 <b>don't know. I haven't looked for it or</b></p> <p>16 <b>anything like that.</b></p> <p>17 Q. Okay. Let me point you to -- towards the</p> <p>18 top of this document.</p> <p>19 Do you see on the top left, I think</p> <p>20 it says, My accounts, but "my" has been cut</p> <p>21 off partially.</p> <p>22 Do you see that?</p> <p>23 <b>A. Um-hmm.</b></p> <p>24 (Reporter clarification.)</p> <p>25 THE WITNESS: Yes.</p>
<p>162</p> <p>1 Q. I'm going to share with you another</p> <p>2 document, and it is Bates-labelled at the</p> <p>3 bottom right Acevedo000010.</p> <p>4 Ms. Acevedo, is this document in</p> <p>5 front of you the credit card information</p> <p>6 that you printed out and showed to Mr. Liebl</p> <p>7 after you received the warning notice?</p> <p>8 <b>A. Yes.</b></p> <p>9 Q. And if you need me to scroll down, I can.</p> <p>10 Okay. It is?</p> <p>11 <b>A. You can scroll down, but I recognize my</b></p> <p>12 <b>handwriting, and I know that that was the</b></p> <p>13 <b>amount that he was referring to.</b></p> <p>14 Q. So you see in the middle of the document, it</p> <p>15 says, Paid 12/16/19, in red ink?</p> <p>16 <b>A. Um-hmm.</b></p> <p>17 Q. Is that your handwriting?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Do you still have this document?</p> <p>20 <b>A. No, that was at the office. The e-mail was</b></p> <p>21 <b>sent from the office.</b></p> <p>22 Q. What'd you do with it?</p> <p>23 <b>A. Shred it.</b></p> <p>24 Q. Do you know how your attorney produced it to</p> <p>25 us in this lawsuit, if you shredded it?</p>	<p>164</p> <p>1 BY MR. KCLASS:</p> <p>2 Q. And do you see to the right of that, it</p> <p>3 says, Closing, ledger, opening, available,</p> <p>4 and then a couple of other columns?</p> <p>5 <b>A. Um-hmm. Yes.</b></p> <p>6 Q. What -- what do those refer to?</p> <p>7 <b>A. I mean, this is a bank statement. Anyone</b></p> <p>8 <b>who has a bank would know when -- when --</b></p> <p>9 <b>when the money is [sic] been closed or</b></p> <p>10 <b>available. I mean, it's just like it's a</b></p> <p>11 <b>regular checking account.</b></p> <p>12 Q. Would you agree that what is in Teupen's</p> <p>13 business bank account is confidential</p> <p>14 information to Teupen?</p> <p>15 <b>A. Sure.</b></p> <p>16 Q. I'd like to show you one more exhibit.</p> <p>17 This, for the record, is Bates-numbered in</p> <p>18 the bottom right Acevedo000011.</p> <p>19 Ms. Acevedo, do you recognize this</p> <p>20 document?</p> <p>21 <b>A. Yes. This is, I believe, his credit card</b></p> <p>22 <b>information.</b></p> <p>23 Q. When you say "his," are you -- are you</p> <p>24 referring to the --</p> <p>25 <b>A. The name that is on there; Andreas.</b></p>

<p>165</p> <p>1 Q. Does this relate to the warning notice in 2 any way? 3 A. Yes. 4 Q. And how does it relate to it? 5 A. Well, it clearly states there that he has an 6 available credit limit of \$9,932.17. He 7 said -- his warning letter indicated that I 8 failed to pay his credit card. So I showed 9 him, how can I fail to pay when he has that 10 amount available to him. 11 Q. Do you know if this document was part of the 12 PDF in the e-mail that you saw a moment ago 13 that you forwarded to yourself? 14 A. Can you scroll it all the way up to the 15 bottom. The other way. Sorry. 16 So, it has Acevedo document. So, 17 yes, it was a part of it. 18 Q. I want to ask you some more questions about 19 the statement that you say Ms. Molyn made to 20 you along the lines of, I don't know how 21 people like you get into positions like 22 this. 23 Was there a discussion that -- 24 between the two of you that preceded that 25 statement?</p>	<p>167</p> <p>1 So I piggy-backed the e-mails, and I'll send 2 another e-mail. 3 I mean -- and she didn't like that. 4 She didn't like me questioning her. She 5 didn't want me to send her e-mails. She 6 wouldn't include me on things that I should 7 be included in. 8 For instance, if there were 9 invoices that needed to go out for a machine 10 or something, and she needed to me include 11 me, because I was accounting. I was 12 accounts payable, accounts receivable. I 13 needed to have that documented and put away, 14 and she wouldn't include me. 15 And I would often say, When did you 16 send this? I'd say, You didn't include me. 17 And she was like, I don't need to include 18 you. And, I mean, she always has 19 something -- a strike against me. And I -- 20 I just -- I mean, talking about it is just 21 so disturbing, and just bringing back to 22 memory of having anxiety and breakdown. And 23 I was treated unfairly, and this is why 24 we're here today. 25 Q. When you -- when you talked to Mr. Liebl</p>
<p>166</p> <p>1 A. I don't recall the exact statement, but like 2 I said, she didn't like me questioning her, 3 just like Andy. I would question her about 4 the findings on a report or missing some 5 information. She didn't like that, and she 6 often disregarded me and just walk away and 7 would just mumble and murmur things, and I 8 so happened to hear that. 9 And I -- I knew that she was 10 totally against me. I just had a feeling 11 that she just did not want me there, and her 12 and Andy tagged up on me -- against me. 13 Q. Did you ever report that comment to 14 Mr. Borutta? 15 A. I told Andy that there were issues that she 16 had made -- I didn't understand why 17 Geraldine had any issues against me. I told 18 him I tried talking to her. I told him that 19 I sent her e-mails. 20 And one time, Andy asked me, Why 21 are you sending her e-mails? And I said, 22 It's the only way that I can track and 23 follow up. If I send an e-mail, and I don't 24 get a response, then I can go back and say, 25 Oh, I never received a response for this.</p>	<p>168</p> <p>1 about that comment you say Ms. Molyn made, 2 what -- what did his -- what was his 3 response? 4 A. He said he would talk to her. That was what 5 we -- his normal response; I will talk to 6 her, I will talk to her about it. 7 Q. Do you know whether he did or did not? 8 A. No, I don't. 9 I need to take a break. 10 Q. Okay. Would you like a ten-minute break? 11 A. Yes, thank you. 12 Q. Okay. 13 THE VIDEOGRAPHER: Going off the 14 record, the time is 13:19 Central. 15 (Break taken.) 16 THE VIDEOGRAPHER: Going back on 17 the record, the time is 13:30 Central. 18 BY MR. KLASS: 19 Q. Ms. Acevedo, did you ever have a meeting 20 with Mr. Liebl and Ms. Molyn to address 21 Ms. Molyn's behavior towards you? 22 A. Yes. 23 Q. When did that meeting happen? 24 A. I don't have the date -- the date and time. 25 I don't recollect.</p>

<p>169</p> <p>1 Q. Do you remember what month it was?</p> <p>2 A. No, I don't.</p> <p>3 Q. Was it before or after the warning notice</p> <p>4 that was given to you?</p> <p>5 A. Before.</p> <p>6 Q. And how did that meeting come about?</p> <p>7 A. Well, Andy asked me to tell Geraldine what</p> <p>8 was my concern. So I expressed my concern.</p> <p>9 And -- and she's, you know -- and then he</p> <p>10 asked her what did -- asked Geraldine what</p> <p>11 did she think. And she was like, Oh, well,</p> <p>12 she's always asking me questions, and I</p> <p>13 don't know why I have to keep telling her or</p> <p>14 including her in everything. You know, it's</p> <p>15 just double work for me.</p> <p>16 And then I responded to Andy, and I</p> <p>17 was, like, Andy, you know, I thought we were</p> <p>18 a team here. I thought that we were</p> <p>19 supposed to work together, support one</p> <p>20 another. You know, you -- you -- you hire</p> <p>21 her to be the parts manager, and I come ask</p> <p>22 her about parts, I mean, she gives me a</p> <p>23 runaround. Like, she doesn't want to answer</p> <p>24 to me. And I don't know how else, you know,</p> <p>25 so I send her e-mails.</p>	<p>171</p> <p>1 Q. Do you agree that the meeting was set up by</p> <p>2 Andy so that you could discuss your concerns</p> <p>3 with Ms. Molyn and they could be attempted</p> <p>4 to be resolved?</p> <p>5 A. No. I recall when I had approached him</p> <p>6 about it, and he said, Go on and get</p> <p>7 Geraldine and bring her here to the office.</p> <p>8 And I -- I was like, You want me to go get</p> <p>9 her? And he's like, Yeah.</p> <p>10 I mean, he could have called her</p> <p>11 and say, Geraldine come to the office, but</p> <p>12 he made me go and get her. Again, like he</p> <p>13 just disregarded who -- my position, like</p> <p>14 who I was. Like, he didn't treat me alike.</p> <p>15 He kind of like made me feel belittled all</p> <p>16 the time. Like, You go get her. You're --</p> <p>17 you're the gopher. Go get her. I went to</p> <p>18 her, and I was like, Geraldine -- putting me</p> <p>19 in a difficult situation -- I was like, Can</p> <p>20 you come to Andy's office. He wants to talk</p> <p>21 to us.</p> <p>22 So, it was like I was always trying</p> <p>23 to be careful in what I said and always not</p> <p>24 to make anyone feel uncomfortable, not to</p> <p>25 offend anyone. But on the contrary, they</p>
<p>170</p> <p>1 And then he's like, Why do you send</p> <p>2 her e-mails? So I was, like, Well, it's the</p> <p>3 only way that I can follow up on what I</p> <p>4 need. And, you know, I was like, I'm -- I'm</p> <p>5 busy at work, so I need to keep a record of</p> <p>6 what I've requested and didn't get back, if</p> <p>7 I don't get a response.</p> <p>8 And she's just like, It's -- it's</p> <p>9 unnecessary. And -- and she just -- I</p> <p>10 don't -- she said that she didn't need to</p> <p>11 answer to me. And -- and then she excused</p> <p>12 herself. She said, I have to go. I have a</p> <p>13 meeting to attend to. And Andy looked at</p> <p>14 her and said, Well, where are you going?</p> <p>15 And she's like, I have to go out. I have an</p> <p>16 appointment. And she stormed off. And --</p> <p>17 and I said, Andy, I thought we were having a</p> <p>18 meeting here. And he was like, Oh, well,</p> <p>19 I'll talk to her later.</p> <p>20 So I feel like all around, every --</p> <p>21 every time I wanted to confront a situation,</p> <p>22 confront an issue, I've always just been</p> <p>23 disregarded. Like, it was meaningless, what</p> <p>24 I felt, what I went through. It was just --</p> <p>25 it was not prioritized.</p>	<p>172</p> <p>1 said and did whatever they wanted, and --</p> <p>2 and it made me feel like I was nothing</p> <p>3 basically. So I -- I had to bring it up to</p> <p>4 Andy for it to happen.</p> <p>5 Q. When the meeting ended, and Andy said he</p> <p>6 would talk to Ms. Molyn about it, do you</p> <p>7 know one way or the other whether he did?</p> <p>8 A. No, I don't know, because I never got</p> <p>9 feedback. I never got a followup.</p> <p>10 Q. Do you know if Andy ever disciplined her as</p> <p>11 a result?</p> <p>12 A. Not to my knowledge, I don't believe so.</p> <p>13 Q. You don't know one way or the other, though?</p> <p>14 A. I don't know.</p> <p>15 Q. Did Ms. Molyn ever make any statements to</p> <p>16 you about what you were paid?</p> <p>17 A. I wanted to say that she heard when I asked</p> <p>18 Martin to give me an increase in pay, and</p> <p>19 she kind of like was in competition, because</p> <p>20 she wanted to get higher -- more money.</p> <p>21 I know that she was pretty much</p> <p>22 around every time I had a con- -- or tried</p> <p>23 to have a conversation with anyone there,</p> <p>24 and it was like she was being competitive.</p> <p>25 I mean, she wanted my role. That was</p>

<p>173</p> <p>1 clearly defined. She wanted to take 2 my -- she wanted to resume my role. And on 3 December 29, when I got served a demotion, 4 my -- my emotions and feelings and my 5 thoughts came to life. She was put in 6 place, and for me to go elsewhere. 7 Q. You said -- did you say that you think she 8 might have been there when you tried to talk 9 to Martin about increasing your salary; did 10 I hear that right? 11 A. Yes. Like I said, I've never had a 12 conversation with Martin where it was 13 formal, sitting down privately. It was 14 always out in the open, five-, ten-minute 15 chat or talk. 16 Q. Did you have a discussion with Martin about 17 increasing your salary after your salary was 18 increased to 72,000 a year in the summer of 19 2019? 20 A. I recall asking him for more, and he said, I 21 will give you 72. He -- and then -- 22 Q. Do you recall a conversation -- 23 A. I didn't -- I'm sorry. I didn't finish. 24 Q. Go ahead. 25 A. Okay. So I asked him for more. He said,</p>	<p>175</p> <p>1 started to believe that it was something -- 2 there was a motive behind that, honestly. 3 You know, because she made it hard for me 4 after that, and... 5 Q. Did -- did you have a problem with how much 6 Ms. Molyn was making? 7 A. No, I didn't have a problem with it. I was 8 just questioning, like, Why would she 9 make -- get so much more when she's only a 10 parts manager? 11 Q. Was it your job function to determine or 12 evaluate other employees' salaries? 13 A. I didn't evaluate it, but I was submitting 14 it to Insperity. Again, I had resumed roles 15 when there was no controller or VP finance 16 there. So I was the one that submitted 17 the -- you know, the application and the -- 18 the requisition, whatever, everything that I 19 needed to get her rolling and -- and 20 onboarding with -- at Teupen. 21 Q. Did you have any job duty or role in setting 22 an employee's pay? 23 A. No. 24 Q. Do you think it was any of your business 25 what Ms. Molyn was paid by the company?</p>
<p>174</p> <p>1 I'll give you 72. And I -- and then 2 someone's -- the bonus came about someday or 3 somehow. And he was like, you know, Well, 4 we'll -- we'll give you more during the 5 bonus or something like that. 6 But, I mean, I -- I -- I mean, I 7 wanted to believe that there was hopes that 8 I was going to get a little more. But when 9 she came in, she was given more than me. I 10 mean, she took the manager's -- she took a 11 parts manager position to replace 12 Misty Goins. Misty Goins was not making 13 more than \$60,000 annually. I don't recall 14 how much she was making, but here comes 15 Geraldine, a friend of Andy, a friend of 16 Martin, and she gets -- she gets hired at 17 \$73,000 salary. 18 Q. Did you have a -- a problem or issue with 19 what she was paid? 20 A. She was being competitive. I was like -- 21 you know, I was like, I thought that she was 22 being -- you know, filling in, or it was a 23 transition, or she was filling in 24 Misty Goins' shoes and replacing 25 Misty Goins. And I just -- I just had</p>	<p>176</p> <p>1 MS. GESSNER: Object to form. 2 THE WITNESS: They made it my 3 business. 4 MS. GESSNER: Wait a minute. 5 Object to form. Counsel is being very rude 6 to this witness by saying is it any of her 7 business. I suggest that you rephrase that 8 question, Mr. Klass. I'm not going to let 9 you be rude and -- and disrespectful to this 10 witness. 11 BY MR. KLASS: 12 Q. You can answer the question. 13 MS. GESSNER: Counsel -- 14 THE WITNESS: Are you rephrasing 15 the question? 16 MS. GESSNER: -- again -- again, 17 same objection. 18 MR. KLASS: Noted. 19 BY MR. KLASS: 20 Q. You can answer the question. 21 A. Are you rephrasing the question? 22 Q. Do you have an answer to my prior question? 23 A. I don't know what the question is. Can you 24 please repeat it. 25 Q. Was it any of your business as -- or in your</p>

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<p>177</p> <p>1 role for Teupen to question what other 2 people -- what other employees were making? 3 <b>A. I think that's an offensive question, and I 4 wish not to answer.</b> 5 Q. Well, you have to answer. It's a 6 deposition. 7 So what is your answer? 8 <b>A. Can you repeat it in a nice way that I can 9 understand.</b> 10 Q. Was it part of your job function to go 11 question any other employee's pay when you 12 were at Teupen? 13 <b>A. Yes, to make sure that I enter the correct 14 information and submit the right information 15 to Insperity. It became my business. It 16 became -- it involved me.</b> 17 Q. Did you have any role in setting any other 18 employee's pay? 19 <b>A. You asked me that before, and I said no.</b> 20 Q. Was it your -- part of your job duties to 21 ask Mr. Borutta why certain employees were 22 paid the salaries they were paid? 23 <b>A. No, I didn't ask him.</b> 24 Q. Did you ever complain to Mr. Borutta about 25 Ms. -- well, strike that.</p>	<p>179</p> <p>1 Mr. Borutta about the warning notice when he 2 was at the office on December 20th, during 3 the Christmas party? 4 <b>A. I'm not sure. Like I said, he was to 5 himself. I may have brought it up to him. 6 But like I said, he was being antisocial. 7 So, I -- he wasn't engaging with everyone 8 else at the party is what I'm saying. He 9 wasn't in the conference room, where we were 10 holding a little luncheon. So I don't 11 recall.</b> 12 Q. Were people from AT&amp;T there that day? 13 <b>A. I'm not certain on the day that they were 14 there.</b> 15 Q. But they were there some day in December, 16 right? 17 <b>A. They were there some day, yes.</b> 18 Q. What -- 19 <b>A. What day it was, I have no idea, because I 20 wasn't informed.</b> 21 Q. What were they doing? 22 <b>A. I don't know. I wasn't there. I wasn't a 23 part of it. I wasn't told that there was 24 going to be a new company coming in. I 25 wasn't informed what changes and who was</b></p>
<p>178</p> <p>1 Do you recall the Christmas party 2 in 2019? 3 <b>A. To what extent?</b> 4 Q. Do you recall being there? 5 <b>A. Yes.</b> 6 Q. Do you recall that it occurred on a Friday? 7 <b>A. Most of the parties have been on a Friday, 8 so I believe, yes.</b> 9 Q. Would you disagree if I told you the 10 Christmas party was on December 20th, 2019? 11 <b>A. I'm not sure. Can you show me the document, 12 so that I can confirm.</b> 13 Q. I'm just asking based on your memory. 14 <b>A. I don't recall.</b> 15 Q. Do you recall talking to Mr. Borutta that 16 day? 17 <b>A. On that day, he was in his office, and he 18 wasn't really talking to anyone.</b> 19 Q. Did you talk to him that day? 20 <b>A. Excuse me? I can't hear you.</b> 21 Q. Sorry. Did you talk to him that day? 22 <b>A. I don't recall.</b> 23 Q. You had just received the warning notice the 24 day before, December 19. 25 Do you recall talking to</p>	<p>180</p> <p>1 going to get a phone or what -- I wasn't 2 informed what was the deal, what was 3 happening. So, I don't know. I wasn't 4 present where they were. I wasn't -- I 5 didn't see them. 6 Q. Do you -- do you know if other employees got 7 new phones with AT&amp;T when they came out? 8 <b>A. Um-hmm, yes.</b> 9 Q. And who got new phones to your memory? 10 <b>A. I have no idea who it was. I -- my -- I 11 don't know if it was just salespeople. I 12 know that there -- there were some guys from 13 the back, which is the warehouse, the 14 maintenance, the -- the mechanics or 15 whatnot, they asked if they were getting 16 one.</b> 17 And I said, I have no idea. I 18 don't know what's going on. I don't know 19 what they're here for. I don't know who's 20 getting what. So, I don't know. I -- I 21 said, All I know is that I was not included. 22 Q. How did you know they were there? 23 <b>A. Because it's a small office. You could tell 24 there were people there, and there was 25 obviously something going on. They weren't</b></p>

<p>181</p> <p>1 in the lunchroom, but they were somewhere 2 else. 3 Q. Did you talk to them? 4 A. No. 5 Q. Did you talk to anyone else about why they 6 were there? 7 A. I don't recall. 8 Q. Okay. Do you recall talking to Andy Liebl 9 or Gerri Molyn specifically about them being 10 there? 11 A. No. 12 Q. Were you given a new phone? 13 A. No. 14 Q. Was your phone line changed? 15 A. No. I'm sorry, let me take that back. 16 What time frame are you referring 17 to? 18 Q. When -- when AT&amp;T came out to the office. 19 A. No, I was not approached or mentioned 20 anything about changing my phone or phone 21 line, or I don't -- I didn't know what was 22 going on and, like I said, who was getting a 23 phone, who wasn't getting a phone, what was 24 the deal, when was the beginning, when was 25 Verizon ending. I have no information on</p>	<p>183</p> <p>1 bill. 2 Q. You paid the bill for the Verizon accounts 3 with Teupen -- 4 A. I paid for all the bills. 5 Q. Okay. And that included the Verizon bills? 6 A. Correct. 7 Q. If the Christmas party was on a Friday, and 8 it was December 20th, you mentioned before 9 that you took -- you took time off for the 10 week around the holidays. 11 Did you take the next week off; do 12 you recall? 13 A. I would have to look at a calendar to see 14 when exactly I took off -- time off. I 15 don't remember what -- what days I took off 16 in 2019. 17 Q. Do you recall going into the office any day 18 in December after the Christmas party and 19 before the day that you were demoted? 20 A. Again, I would have to look at the calendar. 21 I don't know what days -- the days fall on, 22 but I don't know. I don't know if -- if I 23 was on vacation, I was on vacation. There 24 was no reason for me to be at the office. 25 Q. But you don't have a -- you don't have a</p>
<p>182</p> <p>1 what happened on that day. 2 I just wanted to put -- say it for 3 the record, that's probably one of the -- 4 the things that I had mentioned when you 5 asked me to -- to read a paragraph, and 6 asked how did Andy not include me on certain 7 times that he -- that I should have been 8 made aware of. I can say this is one of 9 those times. 10 Q. And what -- what was your job function that 11 you needed to be made aware of regarding 12 AT&amp;T coming out? 13 A. Well, I am -- I was accounts payable. As an 14 accountant, I have to pay the bills. I have 15 to change all the transactions. For some 16 reason, I inherited the changing phones, 17 switching. If someone needed a -- a case, I 18 had to -- to look to see what we had in our 19 back-stock. I mean, we had dozens of phones 20 in Teupen. 21 Q. Would you have been responsible for paying 22 the -- whatever new service was set up with 23 AT&amp;T for Teupen's employees? 24 A. I mean, that would fall under my role as an 25 accountant for accounts payable to pay the</p>	<p>184</p> <p>1 specific memory of being in the office that 2 week? 3 A. Show me the calendar, and I'll let you know. 4 Q. What -- what calendar are you referring to? 5 A. 2019. I don't -- I -- I can't recollect 6 what -- what days my vacation fell on in 7 2019. 8 Q. Do you have a record that would show you 9 what days you took as vacation? 10 A. What kind of record? 11 Q. I'm asking -- I'm asking you, do you have a 12 record that would show what vacation days 13 you took in 2019? 14 A. I -- I don't have -- no, I don't -- I 15 don't -- I don't have anything to -- that 16 would show when I was off. I would just 17 know by the calendar what days I was out. 18 Q. But your recollection is that -- 19 MS. GESSNER: Counsel -- wait a 20 minute. Wait, wait. Counsel, let me get an 21 objection. Let the record reflect that 22 Counsel is refusing to show her a simple 23 calendar from 2019, so that she can see what 24 dates fall on what days. That's all she's 25 asked you to do, and you're now still</p>

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<p>185</p> <p>1 refusing to show her that so that she can 2 give you testimony. 3 MR. KLASS: That is another 4 speaking objection, which is improper. That 5 also mischaracterizes, I think, the 6 testimony and my questions, but I will see 7 if I can find a calendar. 8 MS. GESSNER: Well, okay, first of 9 all, again, I think she clearly said, Will 10 you please show me a calendar. She said it 11 several times, Counsel. And instead of 12 showing her the calendar, you just continue 13 to ask her questions that she's already told 14 you she needed a calendar to use. 15 It seems that you're being 16 intentionally rude and obstructive on basic 17 things that she's asking you for, and I'd 18 ask you to not do that. 19 MR. KLASS: I disagree with your 20 characterization. 21 BY MR. KLASS: 22 Q. So, I don't have a calendar to show you. I 23 can tell you that December 20th, 2019 was a 24 Friday. I can also tell you that 25 December 25, or Christmas, was a Wednesday;</p>	<p>187</p> <p>1 So, take a moment to review this 2 calendar. And if this refreshes your memory 3 as to what days you took off the week of 4 Christmas, please let me know. 5 <b>A. Okay. I don't recall if the office was 6 closed -- I know it was closed on the 25th. 7 I don't know if it was closed on the day 8 before.</b> 9 So, could you ask Martin what day 10 was it closed, because I -- I don't recall 11 right now if it was one day or two. 12 Again, I was an accountant, so I 13 had a lot of responsibilities. So I may 14 have taken time off from the actual office, 15 but I worked for home, because, again, there 16 was no one there to fulfill my 17 responsibilities while I was out. 18 Q. All right. Well, let's -- let's take this 19 day by day. 20 Do you remember working on 21 December 23rd, 2019, which was a Monday? 22 <b>A. I'm going to tell you this again, I don't 23 recall what day. And I keep repeating 24 myself, so can we move on to the next 25 question.</b></p>
<p>186</p> <p>1 and that December 30th, the day that you 2 were demoted, was a Monday. 3 So the week after the Christmas 4 party would have been December 23rd, which 5 was a Monday, through December 27th, which 6 was a Friday. 7 So, with that understanding, does 8 that refresh your memory as to whether -- or 9 what days you took off around Christmas in 10 2019? 11 <b>A. I'm more of a visual person. I would have 12 to see a calendar. I don't -- you know 13 what? All I recall is that anyone who 14 requested time off, they would write -- put 15 it in writing and get it signed off.</b> 16 And I'm most certain that I did 17 that and had Martin sign off on it. So, 18 right now, I can't answer the question, 19 because I don't know exactly if I took a 20 whole week off or three days off or two days 21 off. I don't recall. 22 Q. Let me see if this will work. I'm going to 23 share the screen with you. All right. So 24 this is a calendar that I pulled off of 25 Google for December 2019.</p>	<p>188</p> <p>1 Q. So you don't recall -- just to clarify, even 2 looking at the calendar, which you have 3 requested be provided, you do not recall 4 what days between December 23rd and 5 December 27 you did not work other than 6 December 25th -- 7 <b>A. I might have been --</b> 8 Q. -- is that right? 9 <b>A. -- out on the 26th and the 27th. I don't 10 recall if I was out the 23rd or the 24th, or 11 if --</b> 12 Q. Okay. 13 <b>A. -- I was actually, in fact, out of the 14 office the whole week.</b> 15 Q. Okay. All right. Thank you. 16 Is there any document that would 17 refresh your memory as to when -- what days 18 you took off? 19 <b>A. If you're -- if you want to have a 20 discussion or question about a document that 21 you have, can you please share it to refresh 22 my memory.</b> 23 Q. I don't -- I don't have it. 24 I'm asking if there's a document 25 that you're aware of that exists --</p>

<p>189</p> <p>1 <b>A. I don't recall.</b></p> <p>2 Q. -- you might be able to see.</p> <p>3 Do you recall sending -- well, I'll</p> <p>4 strike that.</p> <p>5 Did you have a laptop while you</p> <p>6 worked at Teupen?</p> <p>7 <b>A. Everyone had a laptop.</b></p> <p>8 Q. And could you use that laptop to work from</p> <p>9 home?</p> <p>10 <b>A. Yes, because everything is on the</b></p> <p>11 <b>ShareDrive.</b></p> <p>12 Q. So if you were working from home, you would</p> <p>13 be able to log in to your work e-mail</p> <p>14 account and send and receive e-mails?</p> <p>15 <b>A. Yes.</b></p> <p>16 Q. Do you recall sending e-mails to your</p> <p>17 personal e-mail address from your work</p> <p>18 e-mail address the last week of December of</p> <p>19 2019?</p> <p>20 <b>A. Yes.</b></p> <p>21 Q. Why did you send those e-mails?</p> <p>22 <b>A. Because I had reason to believe that there</b></p> <p>23 <b>was a motive to get me fired or to have me</b></p> <p>24 <b>taken out of the office. So I wanted to</b></p> <p>25 <b>write memo to files that will support a</b></p>	<p>191</p> <p>1 e-mails, did you type statements or words</p> <p>2 that summarized or provided your comments to</p> <p>3 what e-mails you were forwarding?</p> <p>4 <b>A. Yes, I wrote memo to files, as -- as far as</b></p> <p>5 <b>my recollection of the events that had been</b></p> <p>6 <b>occurring that was used against me as far as</b></p> <p>7 <b>discrimination, as far as, like, being --</b></p> <p>8 <b>you know, being sabotaged -- sabotaged at</b></p> <p>9 <b>work.</b></p> <p>10 Q. Did those statements that you e-mailed to</p> <p>11 yourself reflect -- accurately reflected</p> <p>12 your beliefs at the time you sent those</p> <p>13 e-mails.</p> <p>14 Is that fair?</p> <p>15 <b>A. Can you -- can you repeat that, please.</b></p> <p>16 Q. Sure. The statements that you e-mailed to</p> <p>17 yourself the last week of December 2019</p> <p>18 accurately reflected your beliefs at the</p> <p>19 time you sent those e-mails.</p> <p>20 Is that fair?</p> <p>21 <b>A. Yes.</b></p> <p>22 Q. Do you recall -- would you agree that you</p> <p>23 were demoted on December 30th, 2019?</p> <p>24 <b>A. Do I agree? I don't understand what the</b></p> <p>25 <b>question is.</b></p>
<p>190</p> <p>1 <b>case, shall it happen the way it did. And</b></p> <p>2 <b>so here -- this is why we are where we are</b></p> <p>3 <b>today, with supporting documents.</b></p> <p>4 Q. So the e-mails that you sent to yourself</p> <p>5 then reflected your beliefs at the time as</p> <p>6 to the reasons for the actions that were</p> <p>7 being taken against you?</p> <p>8 <b>A. I don't understand your question. I don't</b></p> <p>9 <b>know if you are explaining it or asking it</b></p> <p>10 <b>correctly, but it's just like choppy bits</b></p> <p>11 <b>and pieces put together.</b></p> <p>12 Q. The e-mails that you sent to your personal</p> <p>13 e-mail address, did you provide summaries or</p> <p>14 statements when you provided -- when you</p> <p>15 sent those e-mails?</p> <p>16 <b>A. What kind of statements? I don't know what</b></p> <p>17 <b>you're referring to.</b></p> <p>18 Q. I'll rephrase. You forwarded a series of</p> <p>19 work e-mails from your work e-mail address</p> <p>20 to your personal e-mail address, correct?</p> <p>21 <b>A. Um-hmm.</b></p> <p>22 Q. I'm sorry, that's --</p> <p>23 <b>A. Yes.</b></p> <p>24 Q. -- a yes?</p> <p>25 And when you forwarded those</p>	<p>192</p> <p>1 Q. Yeah. Were you demoted on December 30th,</p> <p>2 2019?</p> <p>3 <b>A. If that was the date on the document that</b></p> <p>4 <b>you have in your possession, then you -- if</b></p> <p>5 <b>you could please share it, I can confirm.</b></p> <p>6 Q. Okay.</p> <p>7 MS. GESSNER: Counsel, again, for</p> <p>8 the record, she keeps asking for documents</p> <p>9 to you that we've asked for repeatedly in</p> <p>10 discovery, and they're now, again, subject</p> <p>11 to a discovery dispute, that show the exact</p> <p>12 time off that was taken that the Defendant</p> <p>13 has failed to produce. The very line of</p> <p>14 questions that you've been asking about for</p> <p>15 the last 30 minutes, Defendant has chosen to</p> <p>16 withhold those documents improperly.</p> <p>17 MR. KLASS: That's incorrect. We</p> <p>18 don't have the documents that you are</p> <p>19 alleging we have. And we have provided the</p> <p>20 documents that we do have.</p> <p>21 BY MR. KLASS:</p> <p>22 Q. So turning to this document in front of you,</p> <p>23 Ms. Acevedo, at the top, it's got the</p> <p>24 corporate logo. It's dated December 30th,</p> <p>25 2019. And for the record, the bottom right</p>

<p>1 Bates number is 1Teupen00027. 2 Ms. Acevedo, do you recognize this 3 letter that's in front of you? 4 <b>A. Yes.</b> 5 Q. And what do you recognize this letter to be? 6 <b>A. I don't understand your question.</b> 7 Q. What is this letter? 8 <b>A. It says there clearly, Letter Regarding Your</b> 9 <b>Change of Duties.</b> 10 Q. Okay. When did you receive this letter? 11 <b>A. On the day that I came back to the office,</b> 12 <b>December 30, 2019.</b> 13 Q. And do you recall how you were given this 14 letter? 15 <b>A. Yes.</b> 16 Q. And how were you given the letter? 17 <b>A. Gerri -- Geraldine came to my office and</b> 18 <b>said, Andy would like to speak to you in the</b> 19 <b>conference room. When I went to the</b> 20 <b>conference room, he was sitting down with</b> 21 <b>the letter. And to my surprise, Geraldine</b> 22 <b>was there as well. So they were both there</b> 23 <b>while Andy served me with the letter.</b> 24 Q. Do you see on this document that it is 25 signed by Martin Borutta?</p>	<p>193</p> <p>1 <b>what to do there but survive. I had to</b> 2 <b>learn to survive in the office, given the</b> 3 <b>circumstance that my boss -- my direct boss</b> 4 <b>wasn't there. I had to handle and deal with</b> 5 <b>both Geraldine and Andy belittling me and</b> 6 <b>discriminating against me. I had to work</b> 7 <b>under a lot of circumstances.</b> 8 <b>So in -- in the end, there was no</b> 9 <b>one there to really be there to give me the</b> 10 <b>right directions. So I had to work from</b> 11 <b>home.</b> 12 Q. Did anyone tell you you could forward those 13 e-mails to your personal e-mail account? 14 <b>A. No. I -- like I said, I was forwarding my</b> 15 <b>emotions written on paper, written in an</b> 16 <b>e-mail to myself, a memo to file.</b> 17 Q. When you had this meeting with -- with 18 Andy Liebl and Gerri Molyn on December 30th, 19 you -- did you audio-record that meeting? 20 <b>A. Yes, I did.</b> 21 Q. How did you do that? 22 <b>A. I had my phone with me.</b> 23 Q. Did you tell either of them, Mr. Liebl or 24 Ms. Molyn, that you were recording the 25 meeting?</p>
<p>1 <b>A. That's what it says.</b> 2 Q. Okay. Do -- do you -- what did you 3 understand this letter to mean as it 4 reflects -- as it applied to your job? 5 <b>A. I didn't know what it mean. Therefore, I</b> 6 <b>tried calling Martin and sending him an</b> 7 <b>e-mail, and I didn't get a response.</b> 8 Q. Okay. I want to go back a minute and ask 9 you about those e-mails you sent the last 10 week of December. 11 Did you tell anyone at Teupen that 12 you were sending those to your personal 13 e-mail? 14 <b>A. No.</b> 15 Q. Did anyone authorize you to send those to 16 your personal e-mail? 17 <b>A. I wasn't sending thing -- anything other</b> 18 <b>than my emotions and feelings on the e-mail,</b> 19 <b>which you have possession of. I was writing</b> 20 <b>a note to myself, memo to file.</b> 21 Q. Had anyone authorized you to send those from 22 your work computer -- work e-mail to your 23 personal e-mail? 24 <b>A. I was working from home. Did anyone tell me</b> 25 <b>not to work from home? Nobody really knew</b></p>	<p>194</p> <p>1 <b>A. No. For all I know, Andy was recording the</b> 2 <b>meeting, because he was infamous for that.</b> 3 Q. Do you know if he recorded the meeting? 4 <b>A. I have no idea if he did or did not.</b> 5 Q. Why did you record the meeting? 6 <b>A. Because I have two people that were against</b> 7 <b>me sitting down in a meeting with me. So,</b> 8 <b>there was no other witness. Because they</b> 9 <b>were a team; they were friends. Martin,</b> 10 <b>Andy, and Geraldine were friends. So they</b> 11 <b>teamed up on me. And my only defense is to</b> 12 <b>show proof or have some type of proof of</b> 13 <b>what I was experiencing.</b> 14 Q. Had you recorded any other conversations 15 with Andy Liebl or Gerri Molyn or 16 Martin Borutta previously? 17 <b>A. No.</b> 18 Q. When you were called into the conference 19 room by Ms. Molyn, what did you think was 20 going to happen? 21 <b>A. That I was going to either be let go or</b> 22 <b>something negatively was going to happen.</b> 23 Q. So I'm going to try to play an 24 audio-recording that we received from your 25 counsel. Hopefully, I do this correctly.</p>

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50 (197 to 200)

<p>197</p> <p>1 But I'd like for you to listen to it, and 2 then I'll ask you some questions afterwards. 3 Okay? 4 <b>A. Sure.</b> 5 (Audio playing.) 6 BY MR. KLASS: 7 Q. And this, for the record, was produced as 8 Acevedo000194. 9 (Audio playing.) 10 BY MR. KLASS: 11 Q. And I'm pausing it right now. 12 Can you hear that? 13 <b>A. No, I cannot.</b> 14 Q. Can you -- can you hear any of the audio, or 15 is it too low to be heard? 16 <b>A. I hear something, but I don't -- maybe it's</b> 17 <b>too low.</b> 18 (Audio playing.) 19 THE WITNESS: I really cannot hear 20 it. 21 BY MR. KLASS: 22 Q. Ms. Acevedo, can you not hear it? 23 <b>A. No.</b> 24 Q. Could you hear your voice at all? 25 <b>A. I hear my voice, but I don't hear what is</b></p>	<p>199</p> <p>1 <b>true confirmation from Martin.</b> 2 Q. Let me show you the letter that was provided 3 to you again. 4 Do you see -- and you would agree 5 that this letter came from Mr. Borutta, 6 correct? 7 <b>A. That's what it says.</b> 8 Q. Do you recognize that to be his signature? 9 <b>A. No, I don't recollect.</b> 10 Q. Did you have to see his signature on a 11 regular basis as the accountant for Teupen 12 and him being the CEO? 13 <b>A. I mean, perhaps on checks, when he signed</b> 14 <b>the checks for accounts payables, but I</b> 15 <b>don't recall.</b> 16 Q. Did you have any -- 17 <b>A. As you see -- and you can't really read the</b> 18 <b>signature. So, I mean -- I mean, it's a</b> 19 <b>circle and some bubbles.</b> 20 Q. Did you think that this letter was signed by 21 anyone other than Mr. Borutta? 22 <b>A. I didn't know what to believe. Again, I'm</b> 23 <b>sitting with Geraldine and Andy, two people</b> 24 <b>who were against me, who were plotting to</b> 25 <b>get me out of there.</b></p>
<p>198</p> <p>1 <b>going on with -- I can't hear it clearly.</b> 2 Q. Okay. I will -- I'll try that later to see 3 if I can fix that. Your attorney sent us 4 two audio-recordings. 5 Did you make a second 6 audio-recording as well? 7 <b>A. I don't recall at the moment. I would have</b> 8 <b>to hear it.</b> 9 Q. When you had the meeting with Mr. Liebl and 10 Ms. Molyn, was there any direction for you 11 to provide Ms. Molyn with passwords that you 12 used to perform your duties? 13 <b>A. Yes, that's what Andy said. He said, Give</b> 14 <b>her your passwords. Again, Martin is not</b> 15 <b>there. Andy was not my direct boss -- boss.</b> 16 <b>And I have Andy and Geraldine, in a</b> 17 <b>conference room with me, asking me for stuff</b> 18 <b>that I was just dumbfounded, confused.</b> 19 <b>So I asked to speak to Martin. And</b> 20 <b>he -- Andy's response was, Go ahead, go call</b> 21 <b>him, if you want to. I'm just doing what he</b> 22 <b>told me to do. I tried reaching Martin, and</b> 23 <b>he would not respond to me. So I</b> 24 <b>wouldn't -- wasn't going to give, you know,</b> 25 <b>information to Geraldine without getting a</b></p>	<p>200</p> <p>1 Q. Do you see the second paragraph of the 2 letter, where it says, Please hand over all 3 information and passwords that are required 4 for Ms. Molyn to take over the accounting 5 position; do you see that? 6 <b>A. Yes.</b> 7 Q. Okay. And -- 8 <b>A. Can you -- can you please tell me, is the</b> 9 <b>"pls" an abbreviation for please?</b> 10 Q. I'm not the author. So -- 11 <b>A. Does that exist?</b> 12 Q. -- however you would -- however you would 13 interpret it. 14 <b>A. Okay. So hand over -- well, Martin is</b> 15 <b>there. You can ask him.</b> 16 Q. Well, this is your deposition. 17 <b>A. Okay.</b> 18 Q. So the letter asks you to hand over 19 information and passwords to Ms. Molyn. 20 And you -- you just said you didn't 21 want to do that until you actually talked to 22 Mr. Borutta; is that right? 23 <b>A. Yes, that is correct.</b> 24 Q. And did you tell that to Mr. Liebl and 25 Ms. Molyn at the time that you received this</p>

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51 (201 to 204)

<p>201</p> <p>1 letter?</p> <p>2 <b>A. Yes.</b></p> <p>3 Q. And what was the response from them?</p> <p>4 <b>A. I mean, it's in the audio. I have to hear</b></p> <p>5 <b>the audio again. You've heard it, I'm sure,</b></p> <p>6 <b>multiple times, so you can hear it. I have</b></p> <p>7 <b>to hear it. I don't know word for word what</b></p> <p>8 <b>went on, but I said, I -- I can remember</b></p> <p>9 <b>asking to speak to Martin.</b></p> <p>10 Q. Did you review or listen to the audio to</p> <p>11 prepare for this deposition today?</p> <p>12 <b>A. No, I did not hear it in the last few days.</b></p> <p>13 <b>I didn't even realize that I had it until I</b></p> <p>14 <b>remembered, and I sent it to my attorney.</b></p> <p>15 Q. When was the last time you heard the audio?</p> <p>16 <b>A. Probably at the time that I sent it to her.</b></p> <p>17 Q. Can you recall if you recorded the whole</p> <p>18 interaction between you and Ms. Molyn and</p> <p>19 Mr. Liebl, or if there were additional</p> <p>20 interactions that you had either before the</p> <p>21 audio-recording or after?</p> <p>22 <b>A. I don't understand your question.</b></p> <p>23 <b>You're asking me if I have more</b></p> <p>24 <b>videos.</b></p> <p>25 Q. I'm asking if the audio-recordings that you</p>	<p>203</p> <p>1 <b>been instructed by Martin to tell me to</b></p> <p>2 <b>leave the office.</b></p> <p>3 Q. Okay. So let me back up. So, you have this</p> <p>4 meeting in the conference room with</p> <p>5 Mr. Liebl and Ms. Molyn.</p> <p>6 At some point, that meeting ends,</p> <p>7 correct?</p> <p>8 <b>A. Mm-hmm, yes.</b></p> <p>9 Q. Where do you go after the meeting happens?</p> <p>10 <b>A. To my office.</b></p> <p>11 Q. And what do you do in your office?</p> <p>12 <b>A. I sat down, and I sent this e-mail right</b></p> <p>13 <b>before us to Martin.</b></p> <p>14 Q. Then what did you do?</p> <p>15 <b>A. Then I had Andy and Geraldine both</b></p> <p>16 <b>antagonizing me and sabotaging me, telling</b></p> <p>17 <b>me I need to give them the -- the</b></p> <p>18 <b>information, I need to give them the</b></p> <p>19 <b>information.</b></p> <p>20 <b>Like, I -- I couldn't even think.</b></p> <p>21 <b>I didn't know what to do at that point. I</b></p> <p>22 <b>was waiting. I told them, I'm trying to</b></p> <p>23 <b>reach Martin, and we're going to wait.</b></p> <p>24 <b>And -- and they were just there.</b></p> <p>25 Q. So at that point, they asked you for</p>
<p>202</p> <p>1 made capture the entire conversation you had</p> <p>2 with Ms. Molyn and Mr. Liebl at the time?</p> <p>3 <b>A. For the record, I sent the audio with the</b></p> <p>4 <b>exact timing and length of the meeting.</b></p> <p>5 Q. When you say you tried to contact</p> <p>6 Mr. Borutta, how did you attempt to contact</p> <p>7 him?</p> <p>8 <b>A. I sent him an e-mail.</b></p> <p>9 Q. Did you call him?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Did he respond -- pick up the phone?</p> <p>12 <b>A. No.</b></p> <p>13 Q. Did you leave him a voicemail?</p> <p>14 <b>A. I don't recall if I left a voicemail or not.</b></p> <p>15 <b>I'm sure I -- I don't recall.</b></p> <p>16 Q. Do you recall if you called him more than</p> <p>17 once?</p> <p>18 <b>A. I don't recall.</b></p> <p>19 Q. Okay.</p> <p>20 <b>A. I have reason to believe that he called Andy</b></p> <p>21 <b>while I was trying to call -- reach out to</b></p> <p>22 <b>him, and Andy pursued to speak to him in</b></p> <p>23 <b>German while he was in my office waiting for</b></p> <p>24 <b>me to hand in my passwords. And then he</b></p> <p>25 <b>said, Just go, just leave. So he may have</b></p>	<p>204</p> <p>1 their -- for the passwords.</p> <p>2 Is -- is that right?</p> <p>3 <b>A. They asked me for the passwords from the</b></p> <p>4 <b>very beginning in the conference room.</b></p> <p>5 Q. And you refused to give them the passwords?</p> <p>6 <b>A. I said, I would like to speak to Martin to</b></p> <p>7 <b>confirm this, because I don't understand</b></p> <p>8 <b>what is the changes here, why is this</b></p> <p>9 <b>happening, and -- and then Andy said, You</b></p> <p>10 <b>can go ahead and call him. And I tried to</b></p> <p>11 <b>call him, and I tried to e-mail him, and he</b></p> <p>12 <b>wouldn't respond.</b></p> <p>13 Q. Did you give Mr. Liebl or Ms. Molyn the</p> <p>14 passwords before you left for the day?</p> <p>15 <b>A. No, they didn't allow me to even stay there.</b></p> <p>16 <b>I -- like I said, Andy received a phone</b></p> <p>17 <b>call. He was talking in German. And then</b></p> <p>18 <b>he said, Get your stuff and leave for the</b></p> <p>19 <b>day. Take the rest of the day off.</b></p> <p>20 Q. How do you know that he was talking to</p> <p>21 Mr. Borutta?</p> <p>22 <b>A. Who else would call him in the middle of our</b></p> <p>23 <b>meeting or my demotion letter, and I'm</b></p> <p>24 <b>sending an e-mail to Martin, and shortly</b></p> <p>25 <b>after, Andy gets a call, while he's standing</b></p>

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52 (205 to 208)

<p>205</p> <p>1 in my office. And -- and then tells 2 me -- he walks out back and forth, speaking 3 to him, comes back, hangs up the phone, and 4 says, <b>Just get your stuff and leave.</b> 5 Q. Could you hear the voice on the other end of 6 the phone -- 7 <b>A. I cannot hear you.</b> 8 Q. I'm sorry. Could you hear the voice on the 9 other end of the phone that -- 10 <b>A. I can hear German talk, language, but I did</b> 11 <b>not hear him. I don't know who --</b> 12 Q. Did you recognize -- did you recognize the 13 voice -- 14 (Reporter clarification.) 15 BY MR. KLASS: 16 Q. Did you recognize the voice on the other end 17 of the line with Andy Liebl? 18 <b>A. He didn't have him on speaker. I</b> 19 <b>don't -- there was no way for me to hear</b> 20 <b>what Andy -- what was going into Andy's ear.</b> 21 Q. Did Andy Liebl ever tell you that he issued 22 you that letter that I showed you a moment 23 ago, the change of -- 24 <b>A. I don't know what letter you're referring</b> 25 <b>to.</b></p>	<p>207</p> <p>1 Acevedo000039, and then the second page is 2 Acevedo000040. 3 Ms. Acevedo, do you recognize this 4 document? 5 <b>A. Yes, I think we discussed this one already.</b> 6 Q. Okay. So the top e-mail -- there are two 7 e-mails on this page, correct? 8 <b>A. Yes.</b> 9 Q. So the top e-mail is from your work e-mail 10 account to your personal e-mail account, and 11 that's dated December 30th, 2019, at 12 9:27 a.m. 13 Is that right? 14 <b>A. Yes.</b> 15 Q. And then the e-mail below is from you to 16 Mr. Borutta, and it copies Ulf Birkenkamp, 17 and that's dated December 30th, 2019, at 18 9:32 a.m. 19 Do you see that? 20 <b>A. Um-hmm.</b> 21 Q. And the e-mail on this page that's to 22 Martin Borutta, is that the e-mail you were 23 referring to in your testimony that you sent 24 to him when you went to your desk after the 25 meeting with Mr. Liebl and Ms. Molyn on</p>
<p>206</p> <p>1 Q. The change of responsibilities letter, dated 2 December 30th. 3 <b>A. Can you repeat the question.</b> 4 Q. Did Mr. Liebl ever tell you that he issued 5 the change of duties letter? 6 <b>A. You're asking me if Andy was the one that</b> 7 <b>told me that he wrote the letter?</b> 8 Q. Correct. 9 <b>A. No. I mean, it has Martin's name on it. He</b> 10 <b>said, Martin wanted me to give you this.</b> 11 <b>Martin was here -- if I could recall, he</b> 12 <b>said, Martin was here over the weekend. He</b> 13 <b>was going through stuff, and he wanted me to</b> 14 <b>give you this letter.</b> 15 <b>And I asked why he wasn't there.</b> 16 <b>He said, He had to go somewhere. He's in a</b> 17 <b>meeting, or is -- I don't even recall.</b> 18 Q. Do you know where Mr. Borutta was at the 19 time? 20 <b>A. No, because he wouldn't answer my call or my</b> 21 <b>e-mail.</b> 22 Q. So let me share with you another document. 23 I think I had it on the screen there a 24 moment ago. And for the record, this has a 25 Bates stamp on the first page as</p>	<p>208</p> <p>1 December 30th? 2 <b>A. Yes.</b> 3 Q. Who is Ulf Birkenkamp? 4 <b>A. He's the controller or the financial person</b> 5 <b>in Germany. He's who I was report to when I</b> 6 <b>was resending him reports. Well, I didn't</b> 7 <b>report to him, but I would resend him the</b> 8 <b>reports. He's the controller in Germany.</b> 9 Q. Why did you forward this e-mail to your 10 personal e-mail account? 11 <b>A. Because, again, it was proof to show that I</b> 12 <b>tried to reach out to my boss about a</b> 13 <b>demotion that I didn't expect and was served</b> 14 <b>by Andy, who was not my boss.</b> 15 <b>So, it was like another memo to</b> 16 <b>file that I tried to reach him, and I didn't</b> 17 <b>get a response. And today, we have proof of</b> 18 <b>that.</b> 19 Q. Did you ever talk to Mr. Borutta about your 20 meeting with Mr. Liebl or Ms. Molyn or the 21 decision to change your responsibilities? 22 <b>A. Can you ask that question again.</b> 23 Q. Sure. Did you ever talk to Mr. Borutta 24 about your meeting with Mr. Liebl or 25 Ms. Molyn on December 30th, or about your</p>

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53 (209 to 212)

<p>209</p> <p>1 change of responsibilities?</p> <p>2 <b>A. No, I just said this, for the record, I</b></p> <p>3 <b>tried to reach Martin, and he wouldn't</b></p> <p>4 <b>answer me, so I couldn't talk to him about</b></p> <p>5 <b>it. He didn't give me the opportunity to</b></p> <p>6 <b>speak to him.</b></p> <p>7 Q. When -- on December 30th, when you were in</p> <p>8 the office, did anyone ask for you to leave</p> <p>9 your equipment or company property there?</p> <p>10 <b>A. Who is anybody? Do you have someone in</b></p> <p>11 <b>particular?</b></p> <p>12 Q. Andy Liebl or Ms. Molyn.</p> <p>13 <b>A. When Andy got off the phone, he said, Just</b></p> <p>14 <b>leave.</b></p> <p>15 Q. And what happened then?</p> <p>16 <b>A. And I said, Why am I leaving? I was like,</b></p> <p>17 <b>Andy, I have a lot of work to do. I just</b></p> <p>18 <b>came back from vacation, or from being away.</b></p> <p>19 <b>There's a lot of work that needs to be done.</b></p> <p>20 <b>Like, I really cannot just go home. Like,</b></p> <p>21 <b>there's things I need to get done.</b></p> <p>22 Q. And what was his response?</p> <p>23 <b>A. He said, Just leave. He says, Just take the</b></p> <p>24 <b>rest of the day off.</b></p> <p>25 Q. And then what did you do?</p>	<p>211</p> <p>1 Q. So you went to the doctor that day.</p> <p>2 And what doctor did you see?</p> <p>3 <b>A. I don't have her name at this point.</b></p> <p>4 Q. Do you still see her?</p> <p>5 <b>A. I haven't been to the doctor's office. You</b></p> <p>6 <b>have my medical records, and you know when</b></p> <p>7 <b>was the last time I was at the doctor's.</b></p> <p>8 Q. Do you recall the last time you were at the</p> <p>9 doctor's, as you sit here today?</p> <p>10 Do you recall the last time you</p> <p>11 were at the doctor's, when you -- as you sit</p> <p>12 here --</p> <p>13 <b>A. I didn't hear --</b></p> <p>14 Q. -- today?</p> <p>15 <b>A. -- you from the beginning. Could you please</b></p> <p>16 <b>repeat the question.</b></p> <p>17 Q. Do you recall the last time you were at the</p> <p>18 doctor's, as you sit here today?</p> <p>19 <b>A. What specific doctor are you referring to?</b></p> <p>20 Q. The doctor that you saw on December 30th,</p> <p>21 2020 -- '19.</p> <p>22 <b>A. No, I did not see the same doctor.</b></p> <p>23 Q. What were you treated for when you went to</p> <p>24 the doctor on December 30th, 2019?</p> <p>25 <b>A. For anxiety, for a nervous breakdown.</b></p>
<p>210</p> <p>1 <b>A. And then I said, Well, let me wait for</b></p> <p>2 <b>Martin to get back to me, because, again,</b></p> <p>3 <b>like, he's not my boss. He's telling me to</b></p> <p>4 <b>leave. I'm waiting for Martin to call me</b></p> <p>5 <b>back. Like -- like, I was clueless. I</b></p> <p>6 <b>didn't know what to do at that point.</b></p> <p>7 <b>I, again, was being sabotaged by</b></p> <p>8 <b>Andy and Geraldine, and forcing me or, like,</b></p> <p>9 <b>kind of, like, you know, telling me, I need</b></p> <p>10 <b>to give them password, take my stuff, go</b></p> <p>11 <b>move somewhere else. And then, I was asked</b></p> <p>12 <b>to leave. So I was in the midst of a</b></p> <p>13 <b>nervous breakdown.</b></p> <p>14 Q. So did you end up leaving the office?</p> <p>15 <b>A. I did.</b></p> <p>16 Q. Did you tell anyone that you were in the</p> <p>17 midst of a nervous breakdown?</p> <p>18 <b>A. Yes, I told my husband, and he -- we went to</b></p> <p>19 <b>the doctor's office right after.</b></p> <p>20 Q. Did you tell anyone at Teupen that?</p> <p>21 <b>A. I mean, I didn't -- there was nobody around</b></p> <p>22 <b>at that point visually for me to say, I'm</b></p> <p>23 <b>having a nervous breakdown. I was just</b></p> <p>24 <b>dumbfounded and shocked, and I just didn't</b></p> <p>25 <b>know what to do.</b></p>	<p>212</p> <p>1 Q. And as a result of that doctor's visit, did</p> <p>2 the doctor provide you with a note about</p> <p>3 returning to work?</p> <p>4 <b>A. Yes, same note that I had sent to Martin.</b></p> <p>5 Q. And did you -- did you e-mail it to him?</p> <p>6 <b>A. I cannot recall if I -- if it was by text or</b></p> <p>7 <b>by e-mail or both.</b></p> <p>8 Q. I'll share this document with you. For the</p> <p>9 record, this is Bates-numbered</p> <p>10 Acevedo000047.</p> <p>11 Ms. Acevedo, is this your e-mail to</p> <p>12 Mr. Borutta and others forwarding them the</p> <p>13 doctor's note from that day --</p> <p>14 <b>A. Yes.</b></p> <p>15 Q. -- December 30th? Okay.</p> <p>16 Did you ever tell Mr. Borutta why</p> <p>17 you could not return to work for a couple of</p> <p>18 days?</p> <p>19 <b>A. He never called me back. I waited for his</b></p> <p>20 <b>response from when I was sent home.</b></p> <p>21 Q. Did you ever tell Mr. Borutta what the</p> <p>22 medical condition was that prevented you</p> <p>23 from returning to work for a couple of days?</p> <p>24 <b>A. Again, he did not return my call or e-mail.</b></p> <p>25 <b>So, he didn't care.</b></p>

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54 (213 to 216)

<p>213</p> <p>1 Q. I'm not -- I'm not asking whether he 2 returned your call or e-mail. 3 I'm asking whether you ever told 4 him what your medical condition was that 5 prevented you from returning home? 6 <b>A. On December 30th?</b> 7 Q. Yes. 8 <b>A. No, I did not speak to him.</b> 9 Q. Did you ever speak to Andy Liebl or 10 Patrick -- excuse me, Patrick Blackburn or 11 Gerri Molyn or anyone else at Teupen about 12 why you could not return to work -- 13 <b>A. No.</b> 14 Q. -- after December 30th? 15 Did you ever tell anyone at Teupen 16 that you suffered from anxiety or depression 17 or any other claim disability that you have? 18 <b>A. I told Martin that I was upset about Andy's</b> 19 <b>actions. I told Andy that it was a stress</b> 20 <b>factor to me to deal with Geraldine, who</b> 21 <b>wasn't cooperative, who wasn't a team</b> 22 <b>player.</b> 23 <b>So I've expressed that. I've</b> 24 <b>expressed that to Patrick Blackburn as well.</b> 25 <b>I've expressed that, you know, it's been</b></p>	<p>215</p> <p>1 something that includes -- that excludes 2 that letter, and you know that it exists. 3 BY MR. KLASS: 4 Q. Other than the doctor's note that you 5 provided on December 30th, 2019, which note 6 speaks for itself, did you ever tell anyone 7 at Teupen that you had a medical condition 8 that was diagnosed related to anxiety or 9 depression or any other disability you are 10 claiming in this lawsuit? 11 <b>A. I didn't have to speak -- an opportunity to</b> 12 <b>speak to anyone from when I was sent home.</b> 13 Q. Prior to being sent home, did you ever 14 have -- did you ever inform anyone of that? 15 <b>A. Not that I was diagnosed. I expressed how</b> 16 <b>I'd been feeling, but not a diagnose [sic]</b> 17 <b>from a clinical person.</b> 18 Q. When did you first receive treatment for 19 anxiety or depression? 20 <b>A. During my work at Teupen?</b> 21 Q. Did you ever tell anyone at Teupen that you 22 were seeing a medical doctor or any type of 23 medical provider for -- 24 <b>A. No.</b> 25 Q. -- stress or anxiety or depression?</p>
<p>214</p> <p>1 <b>very hard to work at Teupen and fulfill my</b> 2 <b>roles and responsibilities, dealing with a</b> 3 <b>group of people that was totally against me.</b> 4 <b>Yes, I've expressed it.</b> 5 Q. Did you ever express it in terms of having a 6 medical condition that you had anxiety that 7 was diagnosed, or did you simply say, You 8 know, I -- I'm stressed, I am anxious about 9 things at work? 10 <b>A. I feel like you're asking me two questions.</b> 11 <b>Can you repeat the question.</b> 12 Q. Did you ever tell anyone at Teupen that you 13 had been diagnosed with any type of anxiety, 14 depression, or any other disability that 15 you're claiming in this lawsuit? 16 MS. GESSNER: Object to form. Are 17 you referring to other than the doctor's 18 note that she clearly provided? 19 MR. KLASS: Yes. 20 MS. GESSNER: Okay. So that wasn't 21 clear in your question. So, it's obvious 22 that she provided a doctor's note that she 23 was experiencing a medical condition. 24 So why don't you rephrase your 25 question, because you're asking for</p>	<p>216</p> <p>1 <b>A. No.</b> 2 MS. GESSNER: Counsel, before you 3 ask another question, I'd like to take a 4 five-minute break. I think we've been on 5 the record about an hour. 6 MR. KLASS: Okay. 7 MS. GESSNER: If somebody could 8 tell me what time we started this session. 9 THE VIDEOGRAPHER: One second. 10 We're going off the record. The time is 11 14:35 Central. 12 (Break taken.) 13 THE VIDEOGRAPHER: Going back on 14 the record, the time is 14:46 Central. 15 BY MR. KLASS: 16 Q. Ms. Acevedo, did you receive a letter from 17 Teupen -- Teupen announcing your separation 18 from employment? 19 <b>A. Could you allow me to see the document, so I</b> 20 <b>can confirm.</b> 21 Q. Yes. For the record, this is Bates number 22 1Teupen00024. It's a two-page document, and 23 the second page is 1Teupen00025. 24 Ms. Acevedo, do you recognize this 25 document?</p>

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55 (217 to 220)

<p>217</p> <p>1 <b>A. Yes.</b></p> <p>2 Q. And what do you recognize this document to</p> <p>3 be?</p> <p>4 <b>A. Just as it is written, termination of</b></p> <p>5 <b>employment.</b></p> <p>6 Q. When did you receive this document?</p> <p>7 <b>A. Well, the document says January 3rd, 2020.</b></p> <p>8 Q. To the best of your memory, is that when you</p> <p>9 received it?</p> <p>10 <b>A. Yes.</b></p> <p>11 Q. Did you receive it by e-mail?</p> <p>12 <b>A. Yes.</b></p> <p>13 Q. So you're looking at the first page of the</p> <p>14 document. I'll turn your attention to the</p> <p>15 second page.</p> <p>16 Did you receive the second page of</p> <p>17 this document as well?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. And this second page asks you to return all</p> <p>20 company materials, documents, and equipment</p> <p>21 in your possession, correct?</p> <p>22 <b>A. That's what it says.</b></p> <p>23 Q. And it specifically includes invoices,</p> <p>24 correspondence, computer, cell phones, and</p> <p>25 accessories, correct?</p>	<p>219</p> <p>1 Q. So you think that you were being paid 30</p> <p>2 days because of what was provided for in the</p> <p>3 Employment Agreement that you had; is that</p> <p>4 right?</p> <p>5 <b>A. Yes.</b></p> <p>6 Q. Turning away from your separation from</p> <p>7 employment for a few minutes --</p> <p>8 <b>A. I cannot hear you, sir.</b></p> <p>9 Q. I'm sorry. Turning back to while you were</p> <p>10 employed with Teupen.</p> <p>11 Were you employed when Ralph Baer</p> <p>12 was separated from employment?</p> <p>13 <b>A. Yes.</b></p> <p>14 Q. And did you have any responsibility related</p> <p>15 to processing that termination?</p> <p>16 <b>A. I had to submit the information to</b></p> <p>17 <b>Insperity.</b></p> <p>18 Q. Did you have to do anything with his e-mail</p> <p>19 account?</p> <p>20 <b>A. I don't recall.</b></p> <p>21 Q. Who was Teupen's IT provider; do you recall?</p> <p>22 <b>A. I don't recall their name.</b></p> <p>23 Q. Does Network Essentials sound familiar?</p> <p>24 <b>A. That's correct.</b></p> <p>25 Q. Did you have to contact Network Essentials</p>
<p>218</p> <p>1 <b>A. That's what it says there.</b></p> <p>2 Q. After you received that document, did you</p> <p>3 have any further communications with anyone</p> <p>4 at Teupen?</p> <p>5 <b>A. No.</b></p> <p>6 Q. Did you ever try to contact Mr. Borutta to</p> <p>7 ask him why you were being terminated from</p> <p>8 employment?</p> <p>9 <b>A. No.</b></p> <p>10 Q. Why not?</p> <p>11 <b>A. He never cared to answer me on the 30th.</b></p> <p>12 <b>So, what was I -- I wasn't expecting to call</b></p> <p>13 <b>me, obviously. I'm always served in this</b></p> <p>14 <b>format, without him being present.</b></p> <p>15 Q. When you -- when your employment ended, did</p> <p>16 Teupen pay you for 30 days after your</p> <p>17 employment ended?</p> <p>18 <b>A. Yes.</b></p> <p>19 Q. Do you know why you were paid for 30 days</p> <p>20 after your employment ended?</p> <p>21 <b>A. For -- I mean, I don't know. What does</b></p> <p>22 <b>the -- the agreement says? I mean, I would</b></p> <p>23 <b>like to look at the agreement. I believe he</b></p> <p>24 <b>was trying to be compliant with the</b></p> <p>25 <b>contract.</b></p>	<p>220</p> <p>1 about Mr. Baer's e-mail account?</p> <p>2 <b>A. I -- I don't understand the question.</b></p> <p>3 Q. When Mr. Baer was -- when his employment was</p> <p>4 terminated, did you contact Network</p> <p>5 Essentials regarding what to do, if</p> <p>6 anything, with Mr. Baer's work e-mail</p> <p>7 account?</p> <p>8 <b>A. I mean, when someone is terminated, we</b></p> <p>9 <b>terminate the -- the account.</b></p> <p>10 Q. What does "terminate the account" mean to</p> <p>11 you?</p> <p>12 <b>A. Remove it, so that we don't pay for it from</b></p> <p>13 <b>the payables.</b></p> <p>14 Q. Do you know if that meant deactivating the</p> <p>15 account or deleting it, including the</p> <p>16 e-mails, or do you --</p> <p>17 <b>A. I don't know what that meant. I just wanted</b></p> <p>18 <b>to get that off the payables.</b></p> <p>19 Q. How did you communicate that to Network</p> <p>20 Essentials?</p> <p>21 <b>A. I don't recall.</b></p> <p>22 Q. Do you remember what you told Network</p> <p>23 Essentials?</p> <p>24 <b>A. I don't recall. If it was an e-mail -- I</b></p> <p>25 <b>usually try to do things via e-mail, so we</b></p>

<p>221</p> <p>1 can have some paper trail. I don't have 2 that in my possession, so I cannot recall. 3 Q. What services did Insperity provide for 4 Teupen? 5 A. Basically anything that had to do with HR, 6 payroll. 7 Q. Do you know if their -- 8 A. Benefits. 9 Q. -- if your -- I'm sorry, go ahead. 10 A. I'm sorry. So benefits. 11 Q. When you say "benefits," does that include 12 health and dental plans and the like? 13 A. Yes. 14 Q. Do you know if the insurance -- did Teupen 15 have a health insurance plan that it 16 provided to employees in 2019? 17 A. Yes. 18 Q. And were you a -- a participant in that 19 health insurance plan? 20 A. Yes. 21 Q. And that health insurance plan was provided 22 through Insperity, correct? 23 A. Yes. 24 Q. And do you know if Insperity was the plan 25 administrator for that health plan?</p>	<p>223</p> <p>1 A. Correct. 2 Q. And Ben Taft, correct? 3 A. Yes. 4 Q. And David Kesser and Tony Trainer, correct? 5 A. Yes. 6 Q. And Sheri Geraghty resigned, correct? 7 A. Yes. 8 Q. Can you think of anyone else -- 9 A. Yes. 10 Q. -- who left the company during that time 11 period? 12 A. Yes. 13 Q. And for those other people, did you -- were 14 you involved in any step in processing their 15 separation from the company? 16 A. For what other people? 17 Q. Anyone else who left during that time 18 period? 19 A. I mean, whatever paperwork they needed -- 20 that I needed to submit to Insperity, I was 21 the one to submit them. 22 Q. Did you ever send out a COBRA notice to any 23 of those people I just mentioned; 24 Ralph Baer, Misty Goins, Ben Taft, 25 Tony Trainer, David Kesser, Sheri Geraghty?</p>
<p>222</p> <p>1 A. I'm not sure. Again, Sheri Geraghty used to 2 handle all of this. It just fell in my lap 3 when she wasn't there. I don't -- I don't 4 know the logistics how -- who was the direct 5 contact. I just know that they were all a 6 company that helped Teupen with a lot of 7 their paperwork. 8 Q. Between when you took over Ms. Geraghty's 9 duties in the summer of 2019 and when you 10 stopped working for Teupen, were there other 11 employees that ended their employment with 12 Teupen during that time period? 13 A. I'm sorry, can you repeat the question. 14 Q. Between when you took over Ms. Geraghty's 15 job duties in the summer of 2019 and when 16 you were let go in January of 2020, were 17 there other employees that ended their 18 employment with Teupen during that time 19 period? 20 A. I mean, yes, we have this discussion, 21 everyone that was fired or left. 22 Q. So we -- we mentioned Ralph Baer was one of 23 them, correct? 24 A. Yes. 25 Q. And Misty Goins was another?</p>	<p>224</p> <p>1 A. No. 2 Q. Do you know who did? 3 A. I believe Insperity. Again, that was not 4 part of my duties, so I don't know who 5 handled that. 6 Q. Did there come a point when there was a 7 decision at Teupen to look for alternatives 8 to using Insperity in 2019? 9 A. Can you repeat that question, please. 10 Q. Was there a point in 2019 when Teupen began 11 to look for alternatives to using Insperity? 12 A. Yes. 13 Q. Were you involved in that process? 14 A. At the beginning I was. 15 Q. When -- do you remember when that was? 16 A. No, I don't recall dates and time. 17 Q. Do you recall if it was in the fall of 2019? 18 A. Yes. 19 Q. What was your role in -- in that? 20 A. I was told to find another company to -- 21 to -- I mean, Martin wanted to do away with 22 paying Insperity, because he realized we're 23 paying a lot of money for their services. 24 What he failed to realize is -- was 25 he was de- -- terminating not only the</p>

<p>225</p> <p>1 services cost, but he was terminating HR, 2 payroll, health benefits, all of the above. 3 So I started to look or tried to inquire 4 about finding other healthcare benefits and 5 payroll, and that's when I just started to 6 do some research. 7 Q. Did Martin ask you to find alternatives? 8 A. Yes. 9 Q. And did you find alternatives? 10 A. I started to work on it, when I learned that 11 Gerri was also working on it, and that's 12 because Andy had told her to. So, this is 13 another occasion where we were both working 14 on the same things, and she had expectations 15 that I was working on certain things, and I 16 had expectations that she was working on 17 certain things. 18 So we were both doing the same 19 work. And in the end, it just sat around, 20 because she felt I was doing it, and I felt 21 she was doing it, and things weren't getting 22 done. But then, again, Martin had the 23 ultimate decision to make a decision on who 24 he wanted to choose or select as the new 25 healthcare provider and new payroll. But</p>	<p>227</p> <p>1 And it's just -- it was just too 2 many cookies in the jar, too many hands on, 3 and it wasn't going anywhere. So I told 4 Andy, I will let Gerri take care of it. I'm 5 sure she'll be fine with it. And that fell 6 through the cracks, because then, when it 7 was time, they sat on it, and they never 8 presented it to Martin. And so they 9 probably missed opportunities of the whole 10 transition and the lapse in coverage. 11 Q. Do you know if Gerri ever completed changing 12 over the -- the work that Insperity was 13 doing for Teupen to a new provider or 14 providers? 15 A. I have no idea what she was doing. She 16 wouldn't share anything with me. I -- you 17 know, there was a lot going on in the month 18 of December. I was served with a warning 19 letter, demotion letter. I took a few days 20 off. I came back. I was sent home. 21 I mean, I don't know what was going 22 on in the whole month of December, because, 23 obviously, they were plotting against me to 24 try to get rid of me. So, it all fell onto 25 her hands.</p>
<p>226</p> <p>1 it -- it was hard to present that to him 2 when he wasn't in the office as often. 3 Q. Couldn't you have e-mailed it to him? 4 A. I'm sure that there have been e-mails that 5 were sent, and Andy was in the midst of it. 6 So he wanted to get all the information. 7 So I believe that Andy and Martin 8 spoke about a lot of things. It's just 9 keeping me out of the loop or not filling me 10 in on -- on who was working on what and what 11 he needed, it was -- it was -- it was hard. 12 Q. Did there come a point when you stopped 13 working on finding alternatives or 14 processing a changeover, and Gerri started 15 to do that? 16 A. Yes, because she was sending me e-mails, and 17 she then was complaining to Andy that I 18 wasn't giving her information. So I said, 19 I -- I'm like, Who is -- is she working on 20 this, or I'm working on this? 21 Like, it just was redundant, and I 22 didn't have time to work on -- on that, when 23 I had other duties to fulfill and ensure 24 that I would do the month-end close, so I 25 could submit it to Germany.</p>	<p>228</p> <p>1 Q. Did Martin ever tell you that he was 2 transitioning the work from you to Gerri to 3 complete the changeover process for 4 Insperity? 5 A. Martin wasn't around or wasn't direct on 6 what he wanted everyone to do. That's why I 7 reached out to him, when I received the 8 demotion letter, for him to clarify for me 9 what -- to confirm the change or roles, 10 because most of the time, I don't even know 11 what was going on. It was just Andy calling 12 shots. 13 Q. Was -- did Teupen actually terminate its 14 relationship with Insperity at the end of 15 2019? 16 A. Yes. 17 Q. Okay. And are you aware that Insperity -- 18 or that your health insurance through 19 Insperity terminated on December 31st, 2019? 20 A. Everyone's insurance was supposed to 21 terminate, because I recall sending out a 22 letter to Insperity letting them know that 23 we were not going to continue services in 24 the month of December. 25 I don't recall what specific dates</p>

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<p>229</p> <p>1 it was, because it -- it was depending on 2 the last payroll for December. So, I don't 3 know at what time there was a cutoff. I 4 cannot recall when was this transition and 5 when the new healthcare benefits were going 6 to take over. Like I said, there was a lot 7 of things going on in December, and I had 8 no -- I wasn't informed or filled in on what 9 the changes were going to be.</p> <p>10 Q. Did you receive a COBRA notice from 11 Insperity after Insperity's health plan 12 ended at the end of December 2019?</p> <p>13 A. No, I did not.</p> <p>14 Q. Did you sign up for a new health plan for 15 2020 with Teupen?</p> <p>16 A. I did. I did receive an e-mail from 17 Geraldine. As a matter of fact, I don't -- 18 I believe it was the week when I was sent 19 home. I was -- I went to work 20 December 30th. I was served the demotion 21 letter. I was asked to go home. 22 I didn't come back to the office. 23 I do recall receiving an e-mail from 24 Geraldine asking me -- in her e-mail, I'm 25 sorry, I -- if I could recall, it said --</p>	<p>231</p> <p>1 Q. Okay. Is this the e-mail that you were just 2 referring to?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you were given the option from 5 Ms. Molyn to choose three different 6 healthcare plans with United Healthcare. 7 Is that right?</p> <p>8 A. That's what it says there.</p> <p>9 Q. Okay. And then you responded to Ms. Molyn 10 the same day with your selection of the 11 plan, correct?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did you ever receive any health 14 insurance paperwork for the new plan?</p> <p>15 A. I believe so.</p> <p>16 Q. Do you know when that coverage ended?</p> <p>17 A. It was a short term, because I remember 18 going to the doctor's, and they said my 19 insurance was invalid, and I just couldn't 20 go to the doctor's anymore. I don't recall 21 the length of time, but I know it was a 22 short time.</p> <p>23 Q. And you don't recall receiving a COBRA 24 notice from Insperity regarding your 2019 25 coverage ending?</p>
<p>230</p> <p>1 she was sending out an e-mail to everyone in 2 the office, saying, My apologies for sending 3 this late. I really need everyone to tell 4 me who is going to -- what kind of plan 5 they're choosing. And they needed to know 6 right away, because it was going to be 7 effective January 1st.</p> <p>8 I do recall an e-mail. I don't 9 know if it was on -- on the 31st that I 10 received the e-mail, but it needed to be 11 done right away. I replied back. I gave 12 her my information and my son's information, 13 and I said, Please put us on. And I don't 14 know what happened after that.</p> <p>15 Q. Okay. Let me show you a document.</p> <p>16 So, this copy now, unfortunately, 17 the date didn't transferred, but this is 18 Bates-numbered, for the record, 19 1Teupen00364.</p> <p>20 And looking at the first e-mail, 21 the lowest one on this, do you see 22 December 30th -- 31st, 2019, at 11:42 a.m., 23 from Geraldine Molyn?</p> <p>24 A. Yes, that's what I mentioned, and I believe 25 it was the 31st. So that confirms.</p>	<p>232</p> <p>1 A. No, I don't recall. I mean, we had a new 2 insurance, so I should have received a 3 letter from the current insurance that 4 Geraldine was handling, and I didn't either. 5 So...</p> <p>6 Q. I'm going to share a document with you. 7 This is Bates-numbered 20Teupen00012, for 8 the record.</p> <p>9 Ms. Acevedo, is the date under your 10 name on this letter correct as of the date 11 on this letter?</p> <p>12 A. What? I don't -- I don't understand your 13 question.</p> <p>14 Q. Okay. Do you see that this letter is dated 15 January 7, 2020?</p> <p>16 A. Yes, I see that.</p> <p>17 Q. And do you see your name under this -- under 18 the date?</p> <p>19 A. Um-hmm, yes.</p> <p>20 Q. And is the address under your name accurate 21 as of January 7, 2020?</p> <p>22 A. Yes.</p> <p>23 Q. Do you recall receiving this letter from 24 Insperity?</p> <p>25 A. No, I don't recall receiving this.</p>

<p>233</p> <p>1 Q. If you had been provided that letter or 2 notice of any type of COBRA rights you might 3 have had, would you have signed up for COBRA 4 coverage? 5 <b>A. Of course, I -- I would have. I needed it. 6 I needed to continue my disability issues. 7 I was still being seen by a doctor regarding 8 my anxious -- my anxiety and depression, and 9 I couldn't even go, because I didn't have 10 insurance, nor did I have a job to pay out 11 of pocket.</b> 12 Q. Are you aware that, under COBRA, you would 13 have been responsible for 100 percent of the 14 premium for the health insurance? 15 <b>A. No, I didn't receive the information, so I 16 wouldn't have known.</b> 17 Q. Would you have been able to afford paying 18 the full premium, if you had known? 19 <b>A. If I would have known, I'm sure I would have 20 worked something out with my husband to try 21 to get insurance.</b> 22 Q. Did your husband have separate health 23 insurance? 24 <b>A. No, he did not.</b> 25 Q. When you were at Teupen, prior -- or</p>	<p>235</p> <p>1 <b>A. I don't have it in front of me. If you have 2 a document, I can confirm.</b> 3 Q. Was it Profit &amp; Loss Statements? 4 <b>A. Yes.</b> 5 Q. Did you have any type of duty to ensure that 6 what you sent was accurate? 7 <b>A. I sent what should have been accurate, but 8 if there was always a question, Ulf will 9 come back and ask me, and we would get it 10 fixed -- well, we worked to where we could 11 get it correctly, so we were all on the same 12 page.</b> 13 Q. I'd like to ask you now about your phone. 14 At some point, did your phone 15 services, were they -- I'll strike that 16 question. That's bad. 17 <b>A. I don't understand.</b> 18 Q. At some point, did you become a participant 19 in Teupen's cell phone plan? 20 <b>A. What do you mean "participant"?</b> 21 Q. At some point, did you set up your phone 22 number under Teupen's business account with 23 a cell phone provider? 24 <b>A. Are you asking me if Teupen was paying for 25 the phone bill?</b></p>
<p>234</p> <p>1 after -- I'll strike that. 2 After you assumed Ms. Geraghty's 3 job responsibilities in the summer of 2019, 4 were you responsible for preparing financial 5 reports to send to Teupen's German company? 6 <b>A. I wasn't responsible to do that. Sheri 7 tried to show me within a few weeks' span, 8 so that I can continue to provide the 9 information that Germany required.</b> 10 Q. So after Ms. Geraghty left, were you 11 responsible for that, or was someone else? 12 <b>A. No one was there. They were supposed to 13 have -- they were supposed to get a 14 replacement for Sheri Geraghty, and that 15 never occurred.</b> 16 Q. Did you send financial statements to Germany 17 after Sheri Geraghty left employment with 18 Teupen? 19 <b>A. Yes.</b> 20 Q. And what type of financial statements did 21 you send? 22 <b>A. The same information that Gerri 23 would -- that Sheri Geraghty would send to 24 Ulf.</b> 25 Q. Why type of information was that?</p>	<p>236</p> <p>1 Q. I'm asking if, at some point, was Teupen 2 paying for the service on your phone? 3 <b>A. Yes. When I was promoted to accounting 4 manager, Sheri Geraghty offered me to have a 5 phone. And so I said, Instead of buying me 6 a phone and getting a phone, we can just use 7 my phone, the way that she used her phone. 8 So that is what we agreed upon, and that's 9 how my phone went under Teupen's service.</b> 10 Q. So who was your provider before it went 11 under Teupen's plan? 12 <b>A. AT&amp;T.</b> 13 Q. And what type of phone did you have at the 14 time? 15 <b>A. An iPhone 7.</b> 16 Q. Do you recall when you changed your plan 17 over to Teupen's? 18 <b>A. I don't know exactly the time or dates, but 19 you should have that, because that was 20 provided to you and my attorney.</b> 21 Q. That would have been in 2018; is that right? 22 <b>A. I would have to see the document to confirm.</b> 23 Q. What did Sheri Geraghty specifically tell 24 you you could -- that Teupen would pay for? 25 <b>A. For the monthly service, the line?</b></p>

<p>237</p> <p>1 Q. Did she tell you that Teupen would buy you a 2 new phone? 3 <b>A. Teupen bought every employee a phone there.</b> 4 <b>Everyone had a new phone.</b> 5 Q. I'm just asking what Sheri Geraghty told 6 you. 7 So, did she tell you that you could 8 get a new phone paid for by Teupen? 9 <b>A. I don't recall the conversation.</b> 10 Q. Was there a discussion about being provided 11 a phone by Teupen for your use? 12 <b>A. Sheri Geraghty offered that to me, so she</b> 13 <b>confirmed that with David Kesser.</b> 14 Q. So she said to you that if you wanted, 15 Teupen could give you a phone, and that the 16 phone could be serviced under Teupen's plan? 17 <b>A. I don't know the specific conversation that</b> 18 <b>went on word for word. So, I don't recall.</b> 19 Q. Is there anything that would refresh your 20 memory as to what was said during that 21 conversation? 22 <b>A. All she said was, like, You -- you're</b> 23 <b>getting a promotion, and you could have</b> 24 <b>the -- the service paid for. And I said,</b> 25 <b>Well, I don't need a new phone. I can use</b></p>	<p>239</p> <p>1 <b>A. I don't -- I don't -- I don't -- I don't</b> 2 <b>recall. I believe the iPhone 7 was the old</b> 3 <b>phone, and they had brought in a new phone,</b> 4 <b>and that was the plan, and that was a way to</b> 5 <b>getting perhaps a discount. I don't know.</b> 6 <b>I don't recall the conversation.</b> 7 Q. Do you recall if any Verizon employee told 8 you that your AT&amp;T phone wouldn't work on 9 the Verizon network, because it uses 10 different technology? 11 <b>A. I don't -- I don't remember that.</b> 12 Q. So you were offered an upgraded iPhone. 13 What did -- what did Verizon tell 14 you had to be done or could be done with 15 your old phone? 16 <b>A. I had to do a trade-in.</b> 17 Q. So to get the upgrade, you had to turn in 18 your current phone? 19 <b>A. Yes.</b> 20 Q. Was your current phone paid off? 21 <b>A. No, I was paying it, and I had to pay a</b> 22 <b>balance.</b> 23 Q. And once you -- and you paid that balance, 24 and then turned it into Verizon? 25 <b>A. Yes.</b></p>
<p>238</p> <p>1 <b>my phone. And that's what I did.</b> 2 <b>So when I went to trans- -- go to</b> 3 <b>Verizon and have the phone line put under</b> 4 <b>the -- Teupen, they offered me an upgrade,</b> 5 <b>because I had an iPhone 7, and the new</b> 6 <b>phones were out.</b> 7 Q. When you say "they offered you an upgrade," 8 are you referring to, like, the salespeople 9 at Verizon? 10 <b>A. Yes.</b> 11 Q. Did you do this at a specific Verizon store? 12 <b>A. Yes.</b> 13 Q. Which store? 14 <b>A. It's -- it was in -- it's in Pineville.</b> 15 Q. Was it a Verizon-branded store, or was it 16 like in a Best Buy or something? 17 <b>A. No, it was a Verizon store, and I believe</b> 18 <b>it's off South Boulevard.</b> 19 Q. Do you know if you could have used your own 20 phone from AT&amp;T on Verizon if you had wanted 21 to? 22 <b>A. I don't understand the question.</b> 23 Q. If -- did you have the opportunity to 24 decline getting an upgrade phone and use 25 your phone from AT&amp;T on the Verizon network?</p>	<p>240</p> <p>1 Q. And did Verizon say what would happen once 2 you turned in your iPhone 7? 3 <b>A. They said that the -- that the phone -- that</b> 4 <b>Verizon will provide a credit for the phone,</b> 5 <b>because I paid for the phone, the balance of</b> 6 <b>the phone.</b> 7 <b>So Verizon didn't inherit my</b> 8 <b>balance. I paid for my balance. And</b> 9 <b>because I traded the phone, and I paid off</b> 10 <b>the phone, they provided a credit. So</b> 11 <b>Verizon provided a credit for my line for a</b> 12 <b>duration. I don't recall how long, but</b> 13 <b>that's indicated in the Teupen bill -- in</b> 14 <b>the Verizon bills.</b> 15 Q. And when did you become -- you became 16 responsible at some point for paying the 17 Verizon bills for Teupen? 18 <b>A. I paid all the payables. I was accounts</b> 19 <b>payable.</b> 20 Q. Did you do that even before you took over 21 Sheri Geraghty's roles? 22 <b>A. Yes. I was accounts payable.</b> 23 Q. So you would have seen the invoices every 24 month and paid them? 25 <b>A. Yes.</b></p>

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<p>241</p> <p>1 Q. Did you ever look at those invoices while 2 you were employed to see if there had been a 3 credit applied for your phone that you had 4 turned in? 5 <b>A. Of course, mm-hmm, yes.</b> 6 Q. When you got your new iPhone 8, was it with 7 your preexisting phone number, or did you 8 get a new phone number? 9 <b>A. No, we changed the line, because I had a 201</b> 10 <b>area code phone number that I had when --</b> 11 <b>since I was in New Jersey. So we changed</b> 12 <b>that number over to 704.</b> 13 Q. And that change occurred after you had 14 already joined the Teupen Verizon account, 15 correct? 16 <b>A. In transition, I believe.</b> 17 Q. So the 704-number that you used, you hadn't 18 had before it was associated with the Teupen 19 Verizon account, correct? 20 <b>A. I'm sorry, could you repeat that.</b> 21 Q. You did not have the 704-number that you 22 transferred to before it was under the 23 Teupen Verizon account; is that right? 24 <b>A. Correct.</b> 25 Q. And just so I'm clear, what is the</p>	<p>243</p> <p>1 <b>A. Yes.</b> 2 Q. Why did you remove your phone line 3 from -- or the phone number from Teupen's 4 account in December of 2019? 5 <b>A. Because as previously discussed, there was</b> 6 <b>an AT- -- AT&amp;T vendor on the premises of</b> 7 <b>Teupen building, and they were going to be</b> 8 <b>transitioning over to AT&amp;T. No one told me</b> 9 <b>what was going to happen, what were the</b> 10 <b>changes, when it was going to be in effect.</b> 11 <b>No one offered me a phone line.</b> 12 <b>So I didn't know at what point</b> 13 <b>Verizon was going to be terminated. So I</b> 14 <b>did not want to be without a phone. So I</b> 15 <b>took my phone back out, and I paid it</b> 16 <b>myself.</b> 17 Q. Did you tell anyone before you did that that 18 you were going to do that? 19 <b>A. I had no one to speak to. On the day that I</b> 20 <b>actually transitioned it, I was sent home,</b> 21 <b>and I never returned.</b> 22 Q. Did you ever e-mail Martin or Andy or anyone 23 else that you were changing your -- the 24 phone line over to your personal account? 25 <b>A. Again, I didn't have an opportunity to speak</b></p>
<p>242</p> <p>1 704-number that you were given? 2 <b>A. I believe the same number that I have,</b> 3 <b>704-617-9493.</b> 4 Q. And what was the 201-number phone number you 5 had originally? 6 <b>A. 201-912-5506.</b> 7 Q. And after you turned in your iPhone 7 to 8 Verizon, paid off whatever balance was left 9 on that phone, did you make any personal 10 payments to your iPhone 8 or the line 11 associated with that phone number while you 12 were employed by Teupen? 13 <b>A. No. Well, let's go back to -- what time</b> 14 <b>frame are you referring to?</b> 15 Q. While you were employed -- while you were 16 employed by Teupen, did you ever pay for any 17 costs associated with the iPhone 8 or the 18 phone line attached to that phone? 19 <b>A. I paid for it after. I took it upon</b> 20 <b>my -- my responsibility.</b> 21 Q. After you removed the phone line from the 22 Teupen account, correct? 23 <b>A. Yes.</b> 24 Q. And you did that at the end of December of 25 2019, correct?</p>	<p>244</p> <p>1 <b>to anyone. So, no.</b> 2 <b>Can we take a break?</b> 3 Q. Sure. Ten minutes? 4 <b>A. Thank you. Yes.</b> 5 THE VIDEOGRAPHER: We are going off 6 the record. The time is 15:28 Central. 7 (Break taken.) 8 THE VIDEOGRAPHER: Going back on 9 the record, the time is 15:40 Central. 10 BY MR. KLASS: 11 Q. Ms. Acevedo, I'm going to show you a 12 document. At the top of this document, it 13 says, Verizon Manage Account Support. The 14 bottom of the document is Bates-numbered 15 15Teupen00086. 16 Ms. Acevedo, do you recognize what 17 this document is? 18 <b>A. Basically transferring my line off of the</b> 19 <b>Verizon; change of billing responsibility.</b> 20 <b>I mean, I can only interpret what it means,</b> 21 <b>or assume.</b> 22 Q. Did you type in your name under Name of New 23 Customer, and your e-mail address under 24 E-Mail of New Customer? 25 <b>A. I don't recall if I did or they did.</b></p>

<p>245</p> <p>1 Q. When you say "they," who might you be 2 referring to? 3 <b>A. Verizon.</b> 4 Q. No one at Teupen, though? 5 <b>A. No.</b> 6 Q. Do you see at the bottom, where it says, 7 Order Confirmation, and then there is a box 8 with a check in it that says, Requester, and 9 then it has your work e-mail address; is 10 that right? 11 <b>A. That's what I see.</b> 12 Q. Do you remember checking that box? 13 <b>A. I mean, I -- it's there, so, I guess.</b> 14 Q. When -- did you complete this document? 15 <b>A. I don't recall where this document is coming 16 from.</b> 17 Q. Is the wireless number under the column, 18 Wireless Number, the -- the number that was 19 associated with your phone line? 20 <b>A. Yes.</b> 21 Q. When you transferred the phone line from 22 Teupen's account to your personal e-mail, 23 had Teupen agreed to release liability for 24 the mobile phone number to you? 25 <b>A. I mean, they should have known. It is their</b></p>	<p>247</p> <p>1 Do you see that? 2 <b>A. Yes, I see that.</b> 3 Q. And did you represent that you had the legal 4 capacity to bind the organization holding 5 the account, meaning Teupen? 6 <b>A. I was the account person handling the 7 Verizon. So I will add lines, and I 8 would -- had the capacity of removing lines, 9 because I was given that authority by 10 Sheri Geraghty before she left.</b> 11 Q. Did Sheri Geraghty specifically authorize 12 you to remove your phone line from Teupen's 13 account in December of 2019? 14 <b>A. Sheri Geraghty was not there, as you -- 15 as -- for the record, as you know, she was 16 not there on December of 2019.</b> 17 Q. So she did not authorize you to remove your 18 phone line, right? 19 <b>A. She wasn't present.</b> 20 Q. Did anyone -- 21 <b>A. She authorized me to be there, to be in 22 the -- as part of the contact person 23 to -- to make changes, but she was not there 24 on December 30 -- on December of 2019.</b> 25 Q. Did anyone at Teupen authorize you to make</p>
<p>246</p> <p>1 <b>business. They were the ones that were 2 making all the transition over to a new 3 vendor, a new carrier. So...</b> 4 Q. That's not exactly what I asked. 5 I asked if Teupen agreed to release 6 liability for the mobile phone number to you 7 when you -- 8 <b>A. I don't know.</b> 9 Q. Did Teupen disagree to remain responsible 10 for all charges incurred until the line was 11 transferred to your personal account? 12 <b>A. I don't know.</b> 13 Q. Did you have the -- did you represent to 14 Verizon that you had the legal capacity to 15 bind Teupen holding the account from which 16 the line was being transferred -- I'll 17 strike that. 18 Do you see under, Order 19 Confirmation; it says, quote, By selecting 20 my e-mail and checking the box to request 21 order confirmation e-mails below, I 22 represent that I have the legal capacity to 23 bind the organization holding the account 24 from which the line will be transferred, 25 unquote.</p>	<p>248</p> <p>1 that change? 2 MS. GESSNER: Object to form, asked 3 and answered. She just testified she had 4 the authority. 5 BY MR. KLASS: 6 Q. Did anyone else at Teupen, other than you, 7 authorize you to change the phone line? 8 <b>A. Nobody had authorization to handle the 9 Verizon carrier or account. I was the sole 10 accountholder, because I was accounts 11 payable, because there was no other 12 controller or VP finance there.</b> 13 Q. Did Martin have authority, Martin Borutta? 14 <b>A. I don't -- no, his name was not -- is 15 not -- was not on the account, so I don't 16 believe he did.</b> 17 Q. So in terms of managing the account, were 18 you answerable to Mr. Borutta? 19 <b>A. I'm sorry, I don't understand the question. 20 Can you repeat that, please, or rephrase.</b> 21 Q. In managing Teupen's Verizon account, were 22 you answerable to Mr. Borutta? 23 <b>A. Mr. Borutta was my boss. He's the one who I 24 reported to.</b> 25 Q. Did Mr. Borutta ever authorize you to remove</p>

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<p>249</p> <p>1 your cell phone line from the Teupen 2 account? 3 <b>A. Mr. Borutta never spoke to me or told me 4 what not to do.</b> 5 Q. Did he -- did Mr. Borutta ever tell you that 6 the iPhone 8 was your personal phone and not 7 Teupen's phone? 8 <b>A. He wasn't aware of it. Like I said, he 9 wasn't in the midst of all the transactions 10 when things occurred. He came 11 latter -- later, after -- after he 12 terminated everyone.</b> 13 Q. After you no longer worked at Teupen, did 14 you become aware that Mr. Borutta may have 15 asked for the cell phone to be returned to 16 Teupen? 17 <b>A. If you would bring up the document that he 18 sent to me, the termination letter, does it 19 say there? I don't recall.</b> 20 Q. I'm not referring to a letter specifically. 21 I'm asking, did he ever -- or did 22 you ever become aware that Teupen was 23 seeking the iPhone 8 that you had to be 24 returned to Teupen? 25 <b>A. No.</b></p>	<p>251</p> <p>1 have had access to your work e-mail account 2 sending an e-mail from that account to your 3 personal e-mail account at G-mail? 4 <b>A. I -- I don't know.</b> 5 Q. You're not aware of any e-mails that were 6 sent? 7 <b>A. At this point, I don't know what went on 8 behind the scenes.</b> 9 Q. Well, I'm asking about e-mails from your 10 work e-mail account to your personal G-mail 11 account that were not sent by you. 12 Are you aware of any such e-mails? 13 <b>A. Not to my recollection.</b> 14 Q. Okay. All right. So I'd like to ask you 15 about your work laptop. 16 When you left the Teupen offices on 17 December 30th, 2019, where was your laptop 18 on that day? 19 <b>A. My work laptop was on my desk.</b> 20 Q. At the office? 21 <b>A. At the office.</b> 22 Q. And when you left that day, did you take it 23 home with you? 24 <b>A. No. So my work laptop always remained at 25 the office. So I used a spare laptop so</b></p>
<p>250</p> <p>1 Q. I wanted to ask you about your work laptop. 2 Actually, before I do that, what is 3 your -- is your personal e-mail address M, 4 as in Marjorie -- I'm sorry, I'm going to 5 mispronounce your last name, but 6 Pacheco71@gmail.com, and it's P-a-c-h-e-c-o? 7 <b>A. Yes.</b> 8 Q. Does anyone else have access to that e-mail 9 account? 10 <b>A. No.</b> 11 Q. When you were employed at Teupen, did anyone 12 else have access to your work e-mail 13 account? 14 <b>A. No.</b> 15 Q. And your work e-mail account was 16 macevedo@teupen-usa.com? 17 <b>A. Yes. I mean, let me rephrase that.</b> 18 <b>I mean, the IT department had 19 access. Martin had access as well with the 20 permission -- after he -- you know, he's 21 granted permission from the IT department.</b> 22 <b>So, Martin had access. I don't know if Andy 23 had access, but the IT department had 24 access.</b> 25 Q. Are you aware of anyone at Teupen who might</p>	<p>252</p> <p>1 <b>when -- for when I was working from home 2 that I often left at home.</b> 3 Q. And that spare laptop was also Teupen's? 4 <b>A. Yes.</b> 5 Q. So as of December 30th, 2019, the spare 6 laptop was at your house the entire day; is 7 that right? 8 <b>A. Correct.</b> 9 Q. And after your employment was terminated in 10 January of 2020, what attempts did you make 11 to return the laptop to Teupen? 12 <b>A. What -- I -- I surrendered my laptop to my 13 attorney.</b> 14 Q. What day did you do that? 15 <b>A. It was in January. I don't recall the 16 specific day. It might have been around the 17 20th, I believe. I don't -- you have the 18 document. You have the e-mails.</b> 19 Q. Why didn't you return it personally to 20 Teupen? 21 <b>A. They dismissed me. I was under disability; 22 anxiety and depression. When I -- when I 23 decided to go -- to call an attorney, she 24 said she will handle my case, so it went to 25 her hands. And I felt -- I rest assured</b></p>

Transcript of Marjorie Acevedo  
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<p>253</p> <p>1 that she was going to handle it, so it was 2 out of my hands. 3 Q. Were you able to -- between the time that 4 your employment was terminated with Teupen, 5 and the date that you gave your laptop to 6 your attorney, were you able to drive? 7 <b>A. No.</b> 8 Q. You were not able to -- 9 <b>A. I didn't want to drive. I was accompanied</b> 10 <b>by my husband, and we dropped it off.</b> 11 Q. Why didn't you drop off the laptop at 12 Teupen's offices? 13 <b>A. I just said -- I just repeated -- I just</b> 14 <b>gave you an answer. My attorney was under</b> 15 <b>control. She was to handle everything once</b> 16 <b>we decided we were going to file a claim.</b> 17 <b>So, I dropped it off to her. When I</b> 18 <b>received the letter of dismissal and</b> 19 <b>requesting the equipment to come back, I</b> 20 <b>wasn't given any box to return.</b> 21 <b>When I was working for CDM Group in</b> 22 <b>New York, and they wanted the -- their</b> 23 <b>laptop back, they're sending me all the</b> 24 <b>equipment; the return address -- the return</b> 25 <b>postage or UPS, I don't recall, the box.</b></p>	<p>255</p> <p>1 not -- I'm not interested in that. I just 2 want to know if it was -- whether there was 3 a privilege there that caused that action to 4 occur. 5 MS. GESSNER: Same objection, and 6 I'm instructing her not to answer this 7 question. 8 BY MR. KCLASS: 9 Q. Did you ever consider mailing or FedExing 10 the laptop back to Teupen yourself? 11 <b>A. No.</b> 12 Q. Why not? 13 <b>A. I wanted it out of sight and out of mind.</b> 14 <b>So I dropped it off to my attorney.</b> 15 Q. What date did you engage your attorney to 16 represent you regarding your claims against 17 Teupen? 18 <b>A. I don't recall.</b> 19 Q. Was it before you were separated from 20 employment or after? 21 <b>A. I don't recall.</b> 22 Q. Is there anything that would cause you to 23 recall that? 24 <b>A. No. I mean, I don't -- I don't recall how</b> 25 <b>I -- again, I was destroyed. I was just</b></p>
<p>254</p> <p>1 <b>I didn't have to provide that. I</b> 2 <b>mean, I didn't was sent any box or any UPS</b> 3 <b>pickup for the property. So I handed it</b> 4 <b>over to my attorney, and I felt that she was</b> 5 <b>going to handle it the appropriate way.</b> 6 Q. Without telling me what the advice was, did 7 you give the laptop to your attorney based 8 on advice of counsel? 9 MS. GESSNER: Object to form. I'm 10 going to instruct her not to answer this. 11 She can't answer the question without 12 telling you what she was told by my office, 13 and you know that. It's a completely 14 inappropriate question. Move on. 15 This -- the whole story is part of 16 the pleading in front of the Court, you have 17 it, including Ms. Acevedo's declaration. 18 MR. KCLASS: Well, I'm entitled to 19 ask questions about what evidence has been 20 provided to the Court. And I don't want at 21 this point to know the legal advice, but if 22 it was provided to your office based on 23 legal advice, I think I'm entitled to know 24 if that's the case. 25 So not the reasoning behind it, I'm</p>	<p>256</p> <p>1 <b>seeking for help and advice.</b> 2 Q. Do you recall if you engaged counsel before 3 or after December 30th, the day that you 4 were demoted? 5 <b>A. I don't recall.</b> 6 Q. Do you know when your laptop was returned to 7 Teupen? 8 <b>A. I'm not -- cannot recall the exact date. I</b> 9 <b>know that she was working at providing it or</b> 10 <b>submitting it to the counsel that Teupen</b> 11 <b>had, which was Parker Poe. I know there was</b> 12 <b>a back-and-forth. And she discovered that</b> 13 <b>Parker Poe was not defending Teupen. And I</b> 14 <b>don't know what -- you know, what was the</b> 15 <b>back-and-forth. I -- she tried to reach out</b> 16 <b>to Martin. Again, he's hard to contact and</b> 17 <b>respond.</b> 18 <b>So, to me, it was out of sight, out</b> 19 <b>of mind, and I felt rest assured and at</b> 20 <b>peace that my attorney had it.</b> 21 Q. Did you ever access the laptop after you 22 were demoted on December 30th, 2019? 23 <b>A. No. Martin disabled my laptop.</b> 24 Q. And when you say "disabled," what do you 25 mean by that?</p>

<p>257</p> <p>1 A. He contacted IT, and -- because he wanted to 2 gain access to information on my e-mail. So 3 I wasn't able to get in. So, I was locked 4 out of it. I believe I made a call to the 5 IT department. They said, This is Martin's 6 request. If you want to have -- if you want 7 anything answered or have a discussion, you 8 can speak to him about it. And that was it. 9 So I never gained access to the laptop. 10 Q. Do you know when that was? 11 A. I don't recall the date and time. 12 Q. Was it before or after December 30th, 2019? 13 A. I don't recall the date and time. I'm sure 14 it's in the declaration, where I was more 15 clear when I made the declaration. I don't 16 know and have it -- those documents in front 17 of me. So I won't be able to answer that. 18 Q. What documents are you referring to? 19 A. The declaration that explained all the 20 details about the equipment. 21 Q. When -- do you know if you called 22 Network Essentials before or after your 23 termination date with Teupen occurred? 24 A. It was clearly before the termination date, 25 because I was terminated via e-mail when I</p>	<p>259</p> <p>1 it -- unplugging and plugging in my laptop 2 from work, I used the other laptop to use 3 from work. 4 Q. So did you ever use your -- your -- the 5 laptop that you used when you were in the 6 offices, did you ever bring that home to use 7 it from home? 8 A. I just said that, that there would have been 9 times that I used the main laptop and -- and 10 then used the spare. I mean, everything is 11 on the ShareDrive. So e-mail, everything, 12 is from the same. All I needed was a 13 log-in, so same log-in, same information, I 14 was able to access from both laptops. 15 Q. When you say that your -- your -- what was 16 your wording, your account was deactivated? 17 I don't want to misstate what you told me. 18 A. I -- I don't know what you're referring to. 19 You will have to repeat the question or the 20 answer -- 21 Q. You said you were -- you said you were 22 locked out or your account was deactivated, 23 and you didn't use the laptop? 24 A. Well, if I couldn't get in, I didn't have 25 access, or they changed my password</p>
<p>258</p> <p>1 was under disability. 2 Q. Do you recall why you were attempting to use 3 your computer at that time? 4 A. Because I needed to work. So it could have 5 been even before -- now that you're 6 refreshing my memory, it could have even 7 been before December 30th, where I was maybe 8 at the time on the week that I was off, and 9 I was trying to get some work done, and I 10 realized I didn't have access to the 11 computer. 12 Q. You said you had two laptops. You had a 13 spare laptop and a work laptop. 14 And when -- when you worked from 15 home, was that always on the spare laptop, 16 or was it also sometimes on the work laptop? 17 A. During my time with Teupen, I always had a 18 laptop. Everyone always -- had a laptop. 19 That was their main computer. I mean, there 20 may have been times when I would take that 21 exact same computer and take it with me and 22 work from home. 23 But when I had access -- after all 24 the turnover, I had access to another laptop 25 that I made it to use. So instead of take</p>	<p>260</p> <p>1 temporarily or indefinitely, I couldn't get 2 in. So, you can't have access to the laptop 3 if you can't log in. 4 Q. So when you boot up the computer and turn it 5 on, and there's an initial sign-on page, is 6 that what you're referring to? 7 A. Yes. 8 Q. And you're saying that you typed in your 9 password, and it wouldn't let you on? 10 A. Yes. 11 Q. And that's when you called 12 Network Essentials to find out what was 13 going on? 14 A. Correct. 15 Q. Prior to December of 2019, had you ever been 16 treated or evaluated by a psychiatrist or 17 psychologist or other mental health provider 18 in the last ten years? 19 A. By "other healthcare provider," can you 20 elaborate on that. 21 Q. Prior to December 2019, in the -- in the ten 22 years prior to that, have you ever been 23 treated or evaluated by a psychiatrist, 24 psychologist, or mental health provider? 25 A. Prior to December 2019?</p>

<p>261</p> <p>1 Q. Yes.</p> <p>2 <b>A. No, not while I was at Teupen.</b></p> <p>3 Q. Are you still being treated for anxiety or</p> <p>4 depression?</p> <p>5 <b>A. No, I'm -- like I said, I didn't have</b></p> <p>6 <b>insurance, so I wasn't able to follow up</b></p> <p>7 <b>with the doctors when I needed it the most.</b></p> <p>8 <b>So I just coped with it and hoped for the</b></p> <p>9 <b>better, and -- and sought out other means.</b></p> <p>10 Q. So if the -- if your doctor's notes or</p> <p>11 records wouldn't reflect the length of time</p> <p>12 that you had anxiety or depression, how long</p> <p>13 would you say you suffered from either of</p> <p>14 those conditions following the end of your</p> <p>15 employment with Teupen?</p> <p>16 <b>A. I mean, I can't -- I can't pinpoint that.</b></p> <p>17 <b>I'm still suffering it. As you see, I can</b></p> <p>18 <b>even have a breakdown just talking about and</b></p> <p>19 <b>reminiscing and talking about what -- what I</b></p> <p>20 <b>was put through.</b></p> <p>21 <b>That's -- that's marred for life.</b></p> <p>22 <b>You know, like, that's in my brain, it's in</b></p> <p>23 <b>my heart, it's my emotions. So if I'm going</b></p> <p>24 <b>to continue to talk about what Teupen has</b></p> <p>25 <b>done and how they sabotaged me and how they</b></p>	<p>263</p> <p>1 <b>get rid of me.</b></p> <p>2 <b>I have that belief, because of the</b></p> <p>3 <b>way they treated me. They disregarded my --</b></p> <p>4 <b>my meetings and talking about how I'd been</b></p> <p>5 <b>treated. I had no one to go to. There was</b></p> <p>6 <b>no HR department. So, they were</b></p> <p>7 <b>finding -- they were finding ways for me to</b></p> <p>8 <b>leave, and because I had strong skin and</b></p> <p>9 <b>wanted to continue on and continue to do my</b></p> <p>10 <b>work, they had -- they had to do it like</b></p> <p>11 <b>this.</b></p> <p>12 <b>I mean, I -- I'm -- I -- I have</b></p> <p>13 <b>great work ethics. I'm a work alcoholic. I</b></p> <p>14 <b>gave Teupen many hours of my time. I --</b></p> <p>15 <b>I -- I even worked from home. That's why I</b></p> <p>16 <b>took the laptop home, so I could work from</b></p> <p>17 <b>home. I was committed. I was dedicated. I</b></p> <p>18 <b>did what I did, because I loved my job. I</b></p> <p>19 <b>loved my position.</b></p> <p>20 <b>But I wasn't treated fairly, and --</b></p> <p>21 <b>and -- and that was unfair, you know, and</b></p> <p>22 <b>that's why we are where we are today.</b></p> <p>23 Q. After you took over Sheri Geraghty's job</p> <p>24 duties in the summer of 2019, approximately</p> <p>25 how many hours would you work for Teupen</p>
<p>262</p> <p>1 <b>treated me, then it will surface up.</b></p> <p>2 Q. Have you sought treatment for anxiety or</p> <p>3 depression or any other mental health</p> <p>4 concern since you obtained health insurance</p> <p>5 through Signature Healthcare?</p> <p>6 <b>A. No, I did not.</b></p> <p>7 Q. Have you always told the truth to your</p> <p>8 doctors?</p> <p>9 <b>A. Yes.</b></p> <p>10 Q. Did you have any events in your life outside</p> <p>11 of Teupen, during the course of your</p> <p>12 employment with Teupen, that caused you</p> <p>13 emotional distress?</p> <p>14 <b>A. No.</b></p> <p>15 Q. Have you had any events causing you</p> <p>16 emotional distress in your life since your</p> <p>17 employment with Teupen ended?</p> <p>18 <b>A. No.</b></p> <p>19 Q. You don't believe that Teupen intended to</p> <p>20 cause you emotional distress, correct?</p> <p>21 <b>A. I believe that they treated me unfairly. I</b></p> <p>22 <b>believe that they didn't like me being a</b></p> <p>23 <b>Latin female and -- and having the position</b></p> <p>24 <b>I held. And I believe, in the midst of the</b></p> <p>25 <b>whole transition, they probably wanted to</b></p>	<p>264</p> <p>1 each week up until the time that you were</p> <p>2 terminated from employment?</p> <p>3 <b>A. I'm sorry, can you repeat the question.</b></p> <p>4 Q. Sure. How many hours did you work for</p> <p>5 Teupen each week on average between the time</p> <p>6 that you assumed Sheri Geraghty's job duties</p> <p>7 in the summer of 2019 and when you stopped</p> <p>8 working for Teupen in January of 2020?</p> <p>9 <b>A. Well, I mean, I would put in 12 hours</b></p> <p>10 <b>long -- a day. You know, I would go in at</b></p> <p>11 <b>9:00, about 9:00 a.m., and I wouldn't leave</b></p> <p>12 <b>there until about 9:00 p.m. daily. You</b></p> <p>13 <b>know, if you -- if you -- 12 hours a day, 5</b></p> <p>14 <b>days a week, that's 60 hours. That's almost</b></p> <p>15 <b>a whole 80 hours in one week.</b></p> <p>16 Q. And did you put in those hours consistently</p> <p>17 during that time period from summer of 2019</p> <p>18 up until the time that you stopped working</p> <p>19 for Teupen?</p> <p>20 <b>A. Yes, it was consistently, because like I</b></p> <p>21 <b>said, I didn't have a backup. I didn't have</b></p> <p>22 <b>no one to do the work for me. I went above</b></p> <p>23 <b>and beyond. I was accounting manager, and</b></p> <p>24 <b>there was no controller and no VP of</b></p> <p>25 <b>finance. So I did, to the best of my</b></p>

<p>265</p> <p>1 ability, what I could do to provide the 2 financials. 3 Q. Did you ever work weekends? 4 A. Yes, there were times that I would come into 5 the office on the weekends. 6 Q. How frequently? 7 A. I can't recall. I mean, I try not to. I do 8 have a family. My husband used to get upset 9 with me, because I was putting in too many 10 hours of work. It wasn't worth it. I've 11 lost sleep. I -- I was sleep deprived, you 12 know, but I was just trying to do my job. I 13 was trying to do what I needed to do. 14 Q. Did you ever talk to Martin Borutta about 15 how many hours you were working? 16 A. I'm sure it was mentioned, which is the 17 reason why I can justify asking for an 18 increase in pay. 19 Q. Did you ever ask him to -- for help, like 20 hiring another person to work with you or 21 assume some of your job duties? 22 A. I -- I believe I asked him, in the beginning 23 when Sheri left, that they were -- he said 24 he was looking for someone. I mean, I 25 believed him. I believed that there was</p>	<p>267</p> <p>1 retaliation based upon your national origin, 2 your sex, or your claim disability? 3 A. I'm sorry, I -- I don't -- I don't recall. 4 I don't -- I don't understand the question. 5 Q. Are there any statements that you have 6 told -- that you have not told me about yet 7 today that you perceived to be 8 discriminatory in any way based on your 9 national origin, sex, or claim disability 10 from Andy Liebl? 11 A. Whatever the statement he said, I already 12 put it in writing, so I can't recall at the 13 moment. 14 Q. Same question for Gerri Melyn, are there any 15 statements of hers that you haven't 16 testified about today that you believe were 17 discriminatory or retaliatory or harassing 18 in any way related to your national origin, 19 your sex, or your claim disability? 20 MS. GESSNER: Object to form on 21 multiple reasons. Compound question, lots 22 of asked and answered, doesn't include other 23 documents presented in this case. 24 So, Counsel, again it seems that 25 you're trying to intentionally affect this</p>
<p>266</p> <p>1 going to be someone else that, you know, 2 would -- would take these responsibilities, 3 you know, from me. 4 Q. Other than right after you assumed the 5 duties of Sheri Geraghty, did you ever 6 follow up with Martin and ask him later on 7 if someone else could help you with those 8 job tasks? 9 A. I could -- like I said, I rarely saw the 10 man. And when he was in town, because he 11 lives in Germany, like, he was only here to 12 do certain things, and if I had two minutes 13 of his time, that was too much. 14 Q. Other than what you have testified earlier 15 today, do you recall any other statements by 16 Andy Liebl that you viewed to be harassing 17 or discriminatory or retaliatory based upon 18 your national origin, your sex, or your 19 claim disability? 20 A. That was way too long. Can you repeat that 21 question. 22 Q. Sure. Other than what you've testified 23 about earlier, are there any other 24 statements that you recall Andy Liebl making 25 regarding discrimination, harassment, or</p>	<p>268</p> <p>1 witness or ask improper questions. If you 2 want to break it down piece by piece, please 3 do so, but a compound question, just like 4 you've asked now repeatedly, is completely 5 improper. 6 MR. KLAS: That was not a compound 7 question. And what was improper was your 8 speaking objection, which I think is now at 9 least the fourth or fifth time you've made 10 an improper speaking objection, and you are 11 influencing the witness' testify by doing 12 so. 13 MS. GESSNER: Absolutely not. Wait 14 a minute. Absolutely not, David. 15 Absolutely not, David. I have barely said 16 anything today, and only when you have 17 attempted to obstruct this deposition, 18 harassed this witness, and not followed the 19 basic Rules of Civil Procedure. 20 So if you want to ask her a 21 question and break it down, do it. But she 22 just told you repeatedly she didn't 23 understand the question; it was too long. 24 She said that unprompted by me. 25 So, again, you're speaking</p>

<p>269</p> <p>1 statements about what has or hasn't happened 2 today are absolutely unnecessary, and we'll 3 have the recording, including the Zoom 4 recording, at the end of this to be able to 5 show the Court, if necessary, exactly what 6 happened today. 7 MR. KLASS: Thank you. I will 8 reask my question now. 9 BY MR. KLASS: 10 Q. Ms. Acevedo, do you recall any statement by 11 Ms. Molyn that you believe was 12 discriminatory in any way related to your 13 national origin that has not been previously 14 stated by you today? 15 <b>A. No.</b> 16 Q. Do you recall -- or I'll strike that. 17 Were there any statements by 18 Ms. Molyn that you believed to be 19 discriminatory in any way related to your 20 sex, which you have not already testified to 21 today? 22 <b>A. No.</b> 23 Q. Are there any statements of Ms. Molyn, other 24 than the statements you've already testified 25 today, that you believe to be discriminatory</p>	<p>271</p> <p>1 <b>towards me. He spoke a lot of German, and</b> 2 <b>he could have been insulting me in his</b> 3 <b>language, but he was way out of line.</b> 4 Q. Were any of his -- was any of his profanity 5 directed at you because of your national 6 origin? 7 <b>A. Sure.</b> 8 Q. How so? 9 <b>A. He often said, Stupid, you know. He often</b> 10 <b>said -- you know, mumbled as well. Like, I</b> 11 <b>can't capture every word, but I understood</b> 12 <b>that it was against me after us having a</b> 13 <b>discussion or something.</b> 14 Q. And how does that relate to it being 15 discriminatory based on your national 16 origin? 17 <b>A. I already answered that question. There's</b> 18 <b>nothing more for me to say.</b> 19 Q. Okay. Other than what you just told me and 20 what you testified today, are there any 21 other statements or conduct by Mr. Liebl 22 that you believe to be discriminatory in any 23 way against you based on your national 24 origin? 25 <b>A. I already answered that. There's nothing</b></p>
<p>270</p> <p>1 in any way related to your claim disability 2 in this case? 3 <b>A. I mean, did she cause me anxiety and</b> 4 <b>anxious, and -- yes.</b> 5 Q. I'll -- I'll rephrase. 6 I'm asking if there are any 7 statements that Ms. Molyn made that you 8 perceived to be discriminatory against you 9 based upon your claim disability in this 10 case, and that you haven't already told me 11 about today? 12 <b>A. I believe I mentioned it all, but you'll</b> 13 <b>find all the facts in the declaration as you</b> 14 <b>have before you.</b> 15 Q. All right. I'm going to ask the same 16 questions for Mr. Liebl, because counsel has 17 made objections that they were compound. 18 So, regarding Mr. Liebl, are there 19 any statements or conduct that you believe 20 he made that you believe are discriminatory 21 against you based on your national origin 22 that you have not already testified today? 23 <b>A. The only thing I can recall is that he</b> 24 <b>cursed a lot. So he was -- he had a gutter</b> 25 <b>mouth. I mean, it could have been offensive</b></p>	<p>272</p> <p>1 <b>further for me to say.</b> 2 Q. Okay. Are there any statements or conduct 3 by Mr. Liebl that you have not already 4 testified about today that you believe to be 5 discriminatory in any way against you based 6 on your sex? 7 MS. GESSNER: Object to form. 8 Again, Counsel, you keep saying "testified 9 to a day -- today," and it seems, once 10 again, trying to play games and trying to 11 trick her. There's a tremendous amount of 12 documents that have been produced in this 13 case, as well as discovery responses and 14 affidavits. 15 And so now you're trying to get her 16 to testify to things that you are already 17 aware of that are already in the record. 18 So, I'd like you to preface your 19 sentence -- your question with -- you know, 20 if you want to ask her about anything and 21 everything, include anything and everything. 22 Otherwise, she needs to testify 23 about what -- all the pleadings that have 24 been filed in this case, her prior 25 affidavits, her discovery responses,</p>

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<p style="text-align: right;">273</p> <p>1 of which -- that you never marked not even a 2 single exhibit and went through with her, 3 and now you're trying to ask whether there's 4 anything else other than what she's stated 5 today. 6 Again, it's just gamesmanship. So 7 please stop. Preface your question so that 8 it is a complete question, and move on. 9 MR. KCLASS: Thank you for another 10 speaking objection that is improper. I will 11 ask -- 12 MS. GESSNER: It is not a 13 speaking -- 14 MR. KCLASS: -- another question 15 now. 16 It is not a speaking -- wait a 17 minute. Stop. Don't talk over me. It is 18 not a speaking objection. You have once 19 again attempted to try to harass and 20 obstruct this deposition, be very rude to 21 this witness, put words in her mouth, as 22 you've attempted to do all day, 23 understanding that there's a far more, you 24 know, robust record than just this 25 deposition today.</p>	<p style="text-align: right;">275</p> <p>1 Q. I didn't hear the answer. 2 What was the answer? 3 <b>A. It's the same question. I have nothing</b> 4 <b>further to say.</b> 5 Q. Okay. And I've got one last question on 6 this topic. 7 Other than what you testified about 8 earlier today, are there any other 9 statements by Mr. Liebl that you recall that 10 you believe to be discriminatory in any way 11 related to your claim disability in this 12 case? 13 MS. GESSNER: Object to -- 14 THE WITNESS: It's the same 15 question. 16 MS. GESSNER: Wait a minute. 17 Object to form. Counsel, again, are you 18 limiting her testimony only to what you 19 asked her today or what you are very well 20 aware is -- has been made available to you 21 and to Defendant throughout this case as it 22 relates to Mrs. Acevedo's statements and 23 claims. 24 MR. KCLASS: So I am asking her what 25 the conduct or statements are that she is</p>
<p style="text-align: right;">274</p> <p>1 So your question is just in this 2 deposition, as opposed to in this case. And 3 so, Counsel, again, you keep thanking me for 4 helping you. I'm helping you so that you 5 have a full record, maybe one you don't 6 want, and I'd ask that you conduct yourself 7 professionally and appropriately and not try 8 to mislead this witness. 9 MR. KCLASS: Thank you. You are not 10 helping me, but I will move on and ask 11 another question. 12 MS. GESSNER: Well, Counsel, every 13 time I've objected or said anything, you've 14 changed the way that you have approached the 15 question, and you have followed in line with 16 what is proper, and so in effect, I have 17 helped you. So please do move on. 18 BY MR. KCLASS: 19 Q. Ms. Acevedo, apart from the statements that 20 you have testified about today, do you 21 recall any other statements, as you sit here 22 today, that Mr. Liebl made that you believe 23 to be discriminatory against you based on 24 your sex? 25 <b>A. I already answered the question.</b></p>	<p style="text-align: right;">276</p> <p>1 alleging to be discriminatory in this case. 2 MS. GESSNER: But you keep -- 3 MR. KCLASS: And we both have -- let 4 me finish. 5 MS. GESSNER: Counsel -- 6 MR. KCLASS: Let me finish, please. 7 MS. GESSNER: Wait a minute, 8 Counsel, you keep -- 9 MR. KCLASS: Don't talk -- no, no, 10 do not talk over me. 11 MS. GESSNER: Yep, yep, yep. 12 Counsel, Counsel, Counsel. 13 MR. KCLASS: I've allowed you to 14 talk. Do not interrupt me. 15 MS. GESSNER: Counsel, you keep 16 prefacing "in this deposition," not "in this 17 case." That is your problem with the 18 question. 19 "Have you told me everything today 20 in this deposition," as opposed to "In this 21 case, have you provided." It's a very 22 different question, and I'm not going to let 23 you play games with her. 24 MR. KCLASS: Well, you can make your 25 form objection, but under the rules, she</p>

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<p>277</p> <p>1 still has to answer it.</p> <p>2 MS. GESSNER: Well, I'm also going</p> <p>3 to make my objection and make sure she</p> <p>4 understands exactly what she's being asked,</p> <p>5 because you want her to answer differently.</p> <p>6 MR. KLASS: No, that's a speaking</p> <p>7 objection. That's improper under the rules.</p> <p>8 And if you interfere with this witness'</p> <p>9 testimony, we can go before a magistrate</p> <p>10 judge.</p> <p>11 MS. GESSNER: Okay. Mr. Klass, I'm</p> <p>12 happy to go before Judge Cayer with you.</p> <p>13 She's told you repeatedly several times</p> <p>14 today she hasn't understood your question,</p> <p>15 and you continue to say "in this</p> <p>16 deposition," and in a way that you're going</p> <p>17 to attempt to use this to say, If she didn't</p> <p>18 bring it up in the deposition, it doesn't</p> <p>19 exist. That's not how litigation or</p> <p>20 discovery works, and you should know that by</p> <p>21 now.</p> <p>22 MR. KLASS: Counsel, I have</p> <p>23 literally one more question on this topic,</p> <p>24 so if --</p> <p>25 THE WITNESS: I would like to take</p>	<p>279</p> <p>1 so -- but he heard everything, and he -- he</p> <p>2 was on my side.</p> <p>3 Q. Who initiated that communication?</p> <p>4 A. He did.</p> <p>5 Q. Was it a phone call?</p> <p>6 A. Yes.</p> <p>7 Q. Was it a single communication you had with</p> <p>8 him?</p> <p>9 A. Yes.</p> <p>10 Q. Were his comments only directed at</p> <p>11 December 30th, during the -- regarding the</p> <p>12 meeting with Andy and Gerri and what</p> <p>13 happened immediately after, or did it relate</p> <p>14 to anything else?</p> <p>15 A. Just what he heard on that day.</p> <p>16 Q. Other than talking with him, did you talk to</p> <p>17 any other current or former employee of</p> <p>18 Teupen after you left employment there?</p> <p>19 A. I think someone else tried to reach me. I</p> <p>20 don't recall speaking to him.</p> <p>21 Q. Anyone else you can think of?</p> <p>22 A. There was one other person that reached out</p> <p>23 to me. I can't recall his name.</p> <p>24 Q. Did you talk to this person?</p> <p>25 A. I don't recall if we actually had a</p>
<p>278</p> <p>1 a break right now, please.</p> <p>2 MR. KLASS: You'd like to take a</p> <p>3 break? Sure.</p> <p>4 THE VIDEOGRAPHER: We're going off</p> <p>5 the record. The time is 16:25 Central.</p> <p>6 (Break taken.)</p> <p>7 THE VIDEOGRAPHER: Going back on</p> <p>8 the record, the time is 16:35 Central.</p> <p>9 BY MR. KLASS:</p> <p>10 Q. Ms. Acevedo, since you left working for</p> <p>11 Teupen, have you communicated with any</p> <p>12 current or former employees of the company?</p> <p>13 A. I'm sorry, can you repeat the question.</p> <p>14 Q. Since you left working for Teupen in January</p> <p>15 of 2020, have you communicated with any</p> <p>16 current or former employees of Teupen?</p> <p>17 A. I did talk to James Crawford.</p> <p>18 Q. Do you recall when that was?</p> <p>19 A. I don't recall the specific date and time.</p> <p>20 Q. What was the topic of conversation?</p> <p>21 A. That he was a witness; he heard how I was</p> <p>22 being treated on December 30th, 2019; and</p> <p>23 that right after I left, they went --</p> <p>24 they -- Andy and Geraldine went into my</p> <p>25 computer and were searching for stuff,</p>	<p>280</p> <p>1 conversation, or he left me a message,</p> <p>2 or -- but said that -- I think he called me</p> <p>3 and said that -- that James -- he had spoken</p> <p>4 to James, and that he heard the</p> <p>5 conversation, and that I was -- that James</p> <p>6 was going to call me or something like that.</p> <p>7 I don't remember the exact conversation,</p> <p>8 but...</p> <p>9 Q. Do you recall having conversation -- any</p> <p>10 other conversations with any current or</p> <p>11 former employees of Teupen after you left</p> <p>12 employment?</p> <p>13 A. No.</p> <p>14 Q. I've asked you a lot of questions today.</p> <p>15 Are there any answers to those</p> <p>16 questions, now that you've had some time to</p> <p>17 reflect on them, that you would like to</p> <p>18 change or add to or modify?</p> <p>19 A. I think at one point you mentioned if I had</p> <p>20 spoken to anybody about what was going on</p> <p>21 and my condition. I just wanted to be clear</p> <p>22 that the only person I ever spoke to about</p> <p>23 the situation I was going through at work,</p> <p>24 aside from Teupen, was my husband, Luis.</p> <p>25 There's a lot more of retaliation</p>

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<p>281</p> <p>1 <b>that I experienced with Andy. I can't</b> 2 <b>recall all in detail today, but I know</b> 3 <b>there's more.</b> 4 Q. What -- do you know of anything that would 5 refresh your memory? 6 <b>A. No, it's just been an overwhelming day for</b> 7 <b>me. I'm sorry, I didn't expect for this to</b> 8 <b>be the way it is and bring back emotions.</b> 9 <b>So I -- I -- I can't recall anything further</b> 10 <b>at this point.</b> 11 MR. KLASS: I don't have any 12 further questions at this time. Your 13 attorney might have questions for you. 14 MS. GESSNER: No questions. 15 MR. KLASS: At this time then, I 16 would like to suspend this deposition until 17 it can be reconvened later. Defendant at 18 this time is reserving the right to seek 19 Court intervention regarding Plaintiff's 20 Counsel's instruction to the witness not to 21 answer questions regarding return of the 22 company laptop at Teupen. And we would like 23 to suspend the deposition, so that we can 24 get the Court's guidance before concluding 25 it.</p>	<p>283</p> <p>1 that -- 2 MS. GESSNER: Counsel, Counsel, 3 Counsel, I'm not your witness. My objection 4 was clear. You asked her, did she refuse to 5 return the laptop on the advice of counsel, 6 which expressly seeks from her what she was 7 told from counsel. It's 100 percent 8 improper. 9 I'm not your witness. I'm not 10 answering your questions. That's the only 11 single question we instructed her not to 12 answer today, and we are not presenting this 13 witness again. 14 MR. KLASS: Well, we reserve the 15 right to seek Court intervention, and this 16 deposition will be suspended at this time. 17 At this time -- 18 MS. GESSNER: Well, again, Counsel, 19 we -- 20 MR. KLASS: -- Defendant has no 21 further questions. 22 MS. GESSNER: We will read and sign 23 the transcript. We will order an electronic 24 copy only, and we will not present this 25 witness again. And I would like to</p>
<p>282</p> <p>1 MS. GESSNER: We absolutely object 2 to suspending this deposition. Ms. Acevedo 3 will not be presented again. Counsel's one 4 and only question that Ms. Acevedo was 5 instructed not to answer absolutely clearly 6 asked her for what my office, her legal 7 counsel, told her, which is clear 8 attorney/client privilege. 9 We will not present this witness 10 again. She has been here for almost seven 11 full hours today. Defendant has had plenty 12 of time to ask whatever questions they 13 choose to ask that are proper, not seeking 14 conversations with counsel, which is the 15 only question objected to. And we 16 absolutely will oppose and seek fees, costs, 17 and sanctions for any attempt to re-depose 18 Ms. Acevedo. 19 MR. KLASS: Thank you. For -- for 20 clarification of the record, is it correct 21 that you would object to any conversations 22 that Ms. Acevedo had with you regarding 23 return of the laptop and any steps you did 24 or did not take to return the laptop to 25 Teupen; is that understanding correct</p>	<p>284</p> <p>1 understand what is the time frame to get a 2 final written transcript. 3 THE VIDEOGRAPHER: Would you like 4 to go of the record, Counsel? 5 MS. GESSNER: No, I would not like 6 to go off the record. Given the conduct of 7 opposing counsel throughout this case, it is 8 very important that everything be on the 9 counsel. 10 THE REPORTER: Okay. I'm going to 11 try and write what I'm saying to you then 12 and speak at the same time. It's a ten-day 13 turnaround, ten business days. 14 MR. KLASS: All right. 15 MS. GESSNER: Okay. Thank you, 16 Ms. Jensen. 17 THE REPORTER: Yep. 18 THE VIDEOGRAPHER: All right. If 19 there's nothing else -- 20 THE REPORTER: Can I get your 21 order, Mr. Klass. 22 THE VIDEOGRAPHER: Just one second. 23 This marks the end of the deposition of 24 Marjorie Acevedo. We're going off the 25 record at 16:44 Central.</p>


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1 THE REPORTER: I just wanted that  
2 on the record. Sorry.  
3 Go ahead, Mr. Klass, what do you  
4 need -- what would you like?  
5 MR. KLASS: I will need to consult  
6 with my client before we make our order, but  
7 we probably will make one, and we'll let you  
8 know soon.  
9 THE REPORTER: Okay.  
10 MR. KLASS: Thank you.  
11 (Deposition concluded at 4:44 p.m.)  
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1 STATE OF MINNESOTA )  
2  
3 COUNTY OF DAKOTA )  
4 Be it known that I took the remote  
5 videotaped deposition of MARJORIE ACEVEDO on  
6 October 14, 2021;  
7 That I was then and there a notary  
8 public in and for the County of Dakota,  
9 State of Minnesota, and that by virtue  
10 thereof I was duly authorized to administer  
11 an oath;  
12 That the witness before testifying  
13 was by me first duly sworn to testify the  
14 whole truth and nothing but the truth  
15 relative to said cause;  
16  
17 That the testimony of said witness  
18 was recorded in stenotype by myself and  
19 transcribed into typewriting under my  
20 direction, and that the deposition is a true  
21 record of the testimony given by the witness  
22 to the best of my ability;  
23 That I am not related to any of the  
24 parties hereto nor interested in the outcome  
25 of the action;  
Witness my hand and seal this 27th day  
of October, 2021.  
19  
20   
21 ALEXIS JENSEN, RPR, CRR  
22 COURT REPORTER  
23  
24  
25

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Transcript of Marjorie Acevedo  
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